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COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1993

Addendum

DENMARK

[14 September 1993]

CONTENTS

		Paragraphs	Page
I.	GENERAL OBSERVATIONS	1 - 9	5
II.	GENERAL MEASURES OF IMPLEMENTATION	10 - 29	6
	A. Measures taken to harmonize national law and policy with the provisions of the Convention	10 - 13	6
	B. Existing or planned mechanisms at national or local level for coordinating policies relating to children and for monitoring the implementation of the Convention	14 - 29	7
III.	DEFINITION OF THE CHILD	30 - 46	10

CONTENTS (continued)

		Paragraphs	Page
IV.	GENERAL PRINCIPLES	47 - 71	13
	A. Non-discrimination (art. 2)	47 - 49	13
	B. Best interests of the child (art. 3) and the right to life, survival and development (art. 6)	50 - 58	13
	C. Respect for the views of the child (art. 12)	59 - 71	15
V.	CIVIL RIGHTS AND FREEDOMS	72 - 107	17
	A. Name and nationality (art. 7)	72 - 76	17
	B. Preservation of identity (art. 8)	77 - 78	18
	C. Freedom of expression (art. 13)	79 - 85	19
	D. Access to appropriate information (art. 17)	86 - 92	20
	E. Freedom of thought, conscience and religion (art. 14)	93 - 98	21
	F. Freedom of association and peaceful assembly (art. 15)	99 - 101	22
	G. Protection of privacy (art. 16)	102 - 105	22
	H. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37 (a))	106 - 107	23
VI.	FAMILY ENVIRONMENT AND ALTERNATIVE CARE	108 - 189	24
	A. Parental guidance (art. 5)	113 - 117	25
	B. Parental responsibilities (art. 18, paras. 1-2)	118 - 135	25
	C. Separation from parents (art. 9)	136 - 140	28
	D. Family reunification (art. 10)	141 - 149	29
	E. Recovery of maintenance for the child (art. 27, para. 4)	150 - 157	30
	F. Children deprived of family environment	158 - 159	32
	G. Adoption (art. 21)	160 - 173	32

CONTENTS (continued)

		Paragraphs	Page
VI. (cont'd)	H. Illicit transfer and non-return (art. 11) .	174 - 181	34
	I. Abuse and neglect (art. 19), including physical and psychological recovery and social reintegration (art. 39)	182 - 187	35
	J. Periodic review of placement (art. 25) . . .	188 - 189	36
VII.	BASIC HEALTH AND WELFARE	190 - 244	37
	A. Survival and development (art. 6, para. 2) and health and health services (art. 24) . .	190 - 208	37
	B. Disabled children (art. 23)	209 - 217	39
	C. Social security and child care services and facilities (art. 26 and art. 18, para. 3) and standard of living (art. 27, paras. 1-3) . .	218 - 244	41
VIII.	EDUCATION, LEISURE AND CULTURAL ACTIVITIES . . .	245 - 277	45
	A. Education, including vocational training and guidance (art. 28), and aims of education (art. 29)	245 - 270	45
	B. Leisure, recreation and cultural activities (art. 31)	271 - 277	48
IX.	SPECIAL PROTECTION MEASURES	278 - 359	49
	A. Children in situations of emergency	278 - 304	49
	B. Children in conflict with the law	305 - 335	54
	C. Children in situations of exploitation, including physical recovery and social reintegration (art. 39)	336 - 356	60
	D. Children belonging to a minority or an indigenous group (art. 30)	357 - 359	63

Annexes*

Annex 1: The Constitution of the Kingdom of Denmark Act 5 June 1953.

Annex 2: Excerpts from the Legal Incapacity and Guardianship Act (Consolidation Act No. 443 of 3 October 1985).

Annex 3: Excerpts from the Danish Criminal Code (Consolidation Act No. 886 of 30 October 1992).

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* Available for consultation in the files of the Centre for Human Rights.

I. GENERAL OBSERVATIONS

1. Denmark has about 5.1 million inhabitants, of whom well over 1 million are children under 18 years of age. Some 60,000 children are born annually. Infant mortality is very low: 0.5 per cent.

2. An increasing number of children are born out of wedlock. In 1989, some 46 per cent of children were born out of wedlock. This is due to the strong increase in the number of persons cohabiting without being married. In Denmark today, about 640,000 persons, or 23 per cent of the total number of cohabitants, live together without being married. A study of the family structure in 1992 showed that there are about 650,000 families with children in Denmark. About 430,000 of the parents are married couples and just under 103,000 live in cohabitation and have children, including 82,000 who have children together. There are well over 102,000 single mothers with children and just under 16,000 single fathers with children. Just under 15,000 children under 18 live away from their homes.

3. The extent of occupational employment among men and women is of essential importance to the conditions of the family - and thus also of the children. Denmark has a high activity rate of women, viz. 68.6 per cent. The activity rate of men is 78.4 per cent (1989 figures). The activity rate of women in the age group 30-50 is nearly the same as that of men in the same age group, viz. 90 per cent. Thus in most families with children both the father and the mother work. The number of day-care institutions for children and young persons is therefore high, about 400,000 places. In 1992, 59 per cent of children aged 0-2 years attended day-care institutions or other public child care arrangements as compared with 75 per cent of the children aged 3-6 years and 19 per cent of the children aged 7-14 years.

4. Danish democracy builds on the Constitution of the Kingdom of Denmark (the Constitution). Under the Constitution, the powers of the State are divided into the legislative, executive and judicial powers.

5. The Folketing (Danish Parliament) constitutes the legislative power. The Government - the ministries - constitutes the executive power. The responsibility for the administration is, however, largely placed with the county councils and the municipal councils at the regional and municipal levels.

6. The country is divided into 14 counties and 275 municipalities. Democratic elections take place at the national level to the Folketing, at the regional level to the county councils, and at the municipal level to the municipal councils. The voting age is 18 years.

7. At the national level, the responsibility for children's conditions is divided between a number of ministries. The Ministry of Justice is responsible for the basic family law rules, including custody and children's personal and economic conditions. The Ministry of Social Affairs is responsible for the laying down of rules relating to children's social conditions, the Ministry of Education for the education of children and the Ministry of Health for children's health conditions. In addition, other

matters of significance for children's conditions fall within the competence of the Ministry of Cultural Affairs, the Ministry of the Interior and the Ministry of Labour.

8. The local authorities play an important role, in particular in the field of education and social affairs, as they are, to a wide extent, responsible for the day-to-day administration of the rules.

9. The counties, which are regional authorities, play an important role in the field of family law; the county authorities are responsible for the health services, inter alia. For a detailed survey of the general conditions in Denmark, reference is made to the Danish core document, which will be submitted at the earliest possible date.

II. GENERAL MEASURES OF IMPLEMENTATION

A. Measures taken to harmonize national law and policy with the provisions of the Convention

10. Denmark ratified the Convention on the Rights of the Child on 19 July 1991. In connection with the ratification, Denmark made a reservation concerning article 40, paragraph 2 (b)(v), of the Convention and a temporary territorial reservation as regards the Faroe Islands and Greenland. In May 1993, Denmark took steps to lift this territorial reservation. The ratification was based on a parliamentary resolution of 31 May 1991, the proposal for which scrutinized the provisions of the Convention and compared them with existing Danish law. The ratification of the Convention did not call for any amendments to Danish legislation.

11. In a few areas it was necessary to adapt the existing practice to the provisions of the Convention. A change was implemented in the procedure for the serving of sentences by young offenders, so that young persons under 18 may never be placed in a cell with persons over 18 years of age and so that, with respect to social intercourse with other inmates, it is the task of the staff to carefully assess with whom a young person may associate, and to see to it, in this connection, that the social intercourse is in accordance with the best interests of the young person.

12. The Danish practice in connection with the granting of Danish citizenship was also changed so that children born outside Denmark by stateless parents may now obtain independent Danish citizenship even though they have not attained the age of 18 years, and even though the general principles for naturalization are not satisfied.

13. Finally, it should be observed that in connection with the ratification, attention was paid to a circular issued by the Ministry of Education which laid down guidelines for the publication of school magazines. As it might give rise to doubt as to whether this circular was in accordance with the Convention, it was abolished.

B. Existing or planned mechanisms at national or local level for coordinating policies relating to children and for monitoring the implementation of the Convention

14. The Danish Government has set up a Ministerial Committee on Children (Regeringens Børneudvalg) which works with inter-professional political issues in the field of children and families. In this connection, a committee composed of civil servants has been set up, The Inter-ministerial Committee on Children (Det Tværministerielle Børneudvalg), which is composed of representatives of 16 ministries. It is the task of the Inter-ministerial Committee on Children to create consistent and coherent rules concerning children across the individual ministries and to work for the improvement of the living and upbringing conditions of children. The Inter-ministerial Committee on Children has laid down five objectives for family and child policy:

(a) Children should have a stable and close contact with their parents;

(b) Children should be allowed to live a child's life;

(c) Children should be allowed to take part in social life;

(d) Children should have responsibility;

(e) Children should be allowed to live a sound and healthy life.

15. The Inter-ministerial Committee on Children has initiated a number of projects which aim at promoting and supporting the efforts to achieve these objectives. The Inter-ministerial Committee on Children has, inter alia, been working with the project "Better harmony between family life and working life" since 1989 with a view to giving parents and children better possibilities for living together. The instruments have been round-table discussions with professional organizations, seminars, articles, publications, etc. The work has contributed to the focus in recent years on the conditions of children and families with children. The Committee is still working with this project.

16. In 1989, the Committee decided to initiate the project "Children as fellow citizens". The aim of the project was to give children improved possibilities of participating in local activities of importance to children. It was thus the wish that children should be given influence in both the contents of the planning and the implementation of the activities. One of the main elements of the entire process in connection with the project was the dialogue between children and adults.

17. Five municipalities of different size varying between 5,000 to 175,000 inhabitants were selected to participate in the project. Furthermore, the municipalities represent both urban and rural districts. In connection with the project, each municipality recruited a project manager to be in charge of the local activities.

18. This project has meant that the children have had some of their own wishes fulfilled, such as the establishment of a skate house, a pet club and a discothèque for children. Other activities have aimed at communicating

messages from children via local radio stations and local newspapers. At the same time, the day-care institutions have made tentative efforts to give children increased influence. Finally, children have been involved in processes where they would otherwise not have been given a say, such as the purchase of books for children's libraries, design of new day-care institutions and local planning activities.

19. With this project, increased influence on the part of the children has been obtained in a number of areas. And although the project has officially been completed, the process goes on. Seminars and courses on children's self-determination, for example, are being implemented in day-care institutions and schools, and inspiration has spread to municipalities other than the five which participated in the project.

20. The project has been described in the book Listen to the Child (Lyt til Børn). In addition to this, a video, "We, too, want to be given a say!" ("Vi vil også høres!"), has been produced on the basis of interviews with the children involved.

21. In addition to the project "Better harmony between working life and family life" the Inter-ministerial Committee on Children is currently working with the theme "socially excluded children and young persons" with a view to preparing an action plan with indications of concrete initiatives, etc. which could prevent children in special risk groups from social isolation or alleviate the harmful consequences of such isolation.

Information campaign on the Convention

22. Denmark's ratification of the Convention on the Rights of the Child implied an obligation to make the principles and the provisions of the Convention generally known both to adults and children. In 1991, an amount of DKr 1 million was earmarked for a central information campaign. The aim of this campaign was to make the existence of the Convention widely known to children and young persons, and to inform adults (parents and adults dealing with children and young persons by virtue of their profession and/or involvement in voluntary work in youth clubs, etc.) of the provisions of the Convention with a view to compliance with these provisions. The information campaign was planned on the basis of the principle that any right conferred on children implies a duty imposed on adults. Thus, the campaign fell into two parts, viz. the distribution of material primarily to children and young persons and the publication of a book for adults.

23. The information campaign for children was conducted by the Ministry of Social Affairs in cooperation with the Danish Youth Council, UNICEF, Amnesty International, the Danish Center of Human Rights and a number of selected persons experienced in communication with children. In March 1992, all school children and young persons, from the first to the tenth form, received the information material. Due to the variations in age, three different publications were prepared:

(a) For the small children - i.e. children between 6 and 9 years of age in the first to third forms - Thomas Winding, a famous writer of children's books, wrote and illustrated a picture book, Do children have any rights? (Har børn ret til noget?);

(b) In the intermediate group - i.e. children between 10 and 12 years of age in the fourth to sixth forms - each pupil received a coloured magazine in the size of a strip cartoon. The magazine, Cool man, isn't it (Det' bare RET fedt), was edited by the journalist Marcus Mandal and featured articles, interviews, photos and comics;

(c) Young persons - i.e. pupils between 13 and 16 years of age in the seventh to tenth forms - all received a paper, called ZAP, edited by Thomas Heide from the youth project, Front Runners. This paper was edited in cooperation with the young persons themselves.

The three publications were distributed to children and young persons via the schools. In addition to this, voluntary leaders in clubs and other voluntary organizations for children and young persons received copies through the Danish Youth Council, and all staff groups in day-care institutions and school recreation centres received a copy. In this way, efforts were made to inform all adults who work with children and young persons, i.e. teachers, educationists, club leaders, etc. All other interested adults may borrow the material in the libraries.

24. The information campaign for adults was implemented in close cooperation with the Danish UNICEF Committee and has resulted in the publication of the book, The Convention on the Rights of the Child. It was published on 24 October 1991, United Nations Day. This book contains the text of the Convention and reproduces the World Declaration on the Survival, Protection and Development of Children together with the Plan of Action for implementing the World Declaration which was adopted by the World Summit for Children in New York in 1990. Furthermore, the book contains articles based on the Convention together with a paraphrase of the articles of the Convention into language more easily understood by children, which was prepared by children in the sixth form. The book is available from the United Nations Children's Fund in Denmark.

25. During the campaign, a number of initiatives were taken with a view to obtaining publicity in the media. The publications for children and young persons were sent to newspapers, trade journals, etc. with informative press releases, and TV and radio stations - including, in particular, the editors of programmes for children and young persons - received the material. In addition, press conferences about the campaign were held.

26. The present report, which is submitted to the United Nations by virtue of article 44 of the Convention, will be sent to the Folketing and to interest groups and associations involved in matters relating to children's rights, including the Danish UNICEF Committee. Finally, the report can be obtained from the Ministry of Justice, free of charge.

Private organizations participation in connection with initiatives concerning children

27. In Denmark it is the task of the State to lay down general guidelines for the various initiatives in relation to children and young persons. In this connection, private organizations are involved - in different ways, depending on the nature of the individual initiatives. This applies also in relation to initiatives of an informative nature, such as the above-mentioned information campaign on the Convention on the Rights of the Child. For the further promotion of the work to bring the interests of children and young persons into community planning, initiatives have been taken to set up a Children's Council (Børnerådet) with the participation of private organizations.

28. The Children's Council - which is expected to become operative as from 1994 - is to work for more focus on the interests and rights of children in society. The Council is to follow and put the light on children's living conditions and in this context to be aware of situations where the needs and rights of children are set aside in relation to social requirements and needs. The Council may point to and make visible any deficiencies, etc. which they find in the relevant legislation and administrative practice and come up with proposals for legislative amendments, and central authorities may also use the Council as a consultative body in connection with legislative initiatives and other initiatives which might have an impact on the conditions for children. In order to ensure that children's opinions and views will be sufficiently reflected in the Council's activities, the Council is required to establish some form of permanent contact with one or several groups of children.

29. The responsibility for the implementation of the guidelines laid down at the central level for initiatives in respect of children and young persons rests with the municipal council and, to a certain extent, the county council. Both the municipalities and the counties may use private organizations to perform these tasks; however, it is for the individual county or municipality to decide to what extent this possibility is to be used.

III. DEFINITION OF THE CHILD

30. In Denmark, persons under the age of 18 years do not have full legal capacity and are described as minors. In Denmark, minors do not have the right to vote and do not have full legal capacity to decide personal and property matters.

31. The basic rules on minors' personal and property rights are found in the Legal Incapacity and Guardianship Act. The Legal Incapacity and Guardianship Act is further supplemented by a number of statutory provisions which contain an age limit and thus contribute to determining the conditions of minors. Under the Act, children and young persons under the age of 18 years are subject to the custody of their parents unless they are married. The person holding custody has a duty to take care of the minor and make decisions in matters relating to the person of the minor on the basis of the child's best interests and needs. The Act does not contain general rules on the children's right to be consulted and their right to self-determination. However, it is

the generally accepted view that as the child develops and matures, parents should involve the child and attach weight to the child's views when decisions are to be made on personal matters relating to the child.

32. A minor may not dispose of his/her property or commit himself or herself in any legal transactions. It is the guardian (the person holding custody) who administers the minor's property and acts on behalf of the minor in legal transactions concerning the property. A child over the age of 15 years may dispose of such funds as he or she has earned by personal work or other independent economic activities. This also applies to funds that have been given to the minor for his/her absolute use by way of gift or testamentary disposition.

33. A minor may only enter into a contract of employment with the consent of the guardian. To a certain extent, however, for example in connection with the conclusion of apprenticeship contracts, the contract must also be signed by the minor if it is to be binding on the minor after he or she has attained the age of 18 years.

34. Under the working environment legislation, the main rule is that children under the age of 15 years may not perform paid work. However, in the case of paid work that may be harmful to the safety, health or development of young persons, the age limit is 18 years. Finally, children between the age of 10 and 15 years may carry out light work, such as fruit picking.

35. A minor may not contract marriage without the consent of the parents and the authorities. The authorities may permit a child under the age of 18 years to contract marriage. As a rule, permission will not be granted if the child is under the age of 15 years, or if both man and woman are under the age of 18 years.

36. All children in Denmark have a right to receive free education in the primary and lower secondary school (Folkeskolen). Education is compulsory in Denmark, but there is no compulsory school attendance. Compulsory education may thus be performed through education in the Folkeskole, in a private school or as private instruction in the pupil's home. Education is compulsory for children from the 1 August of the calendar year in which the child attains the age of 7 years until the 31 July after the child has received regular education for a period of nine years.

37. Under the Criminal Code, children under the age of 15 years who commit criminal acts cannot be punished. Children under the age of 15 years cannot be deprived of liberty under the rules of the Danish Administration of Justice Act on arrest or remand in custody, nor may they be sentenced to imprisonment as these measures imply a charge or a conviction for a criminal offence. In the case of young persons aged 15-18, the Administration of Justice Act further provides for the possibility of withdrawing the charge of a criminal offence.

38. Under the Administration of Justice Act, every person has a duty to give evidence in court as a witness. A child may thus also be heard as a witness, if the child is capable of making a reasonable statement. If the child is under 15 years, it is for the court to decide in what manner and by whom the

examination is to take place. In this connection, the court may call in a representative of the social authorities or any other appropriate person to assist during the examination.

39. In criminal cases it is, in practice, permitted in a number of cases to hear the testimony of a child as early as possible during a court examination, so that the evidence is subsequently documented during the trial. In trials for sexual offences it has become customary in recent years - and accepted by the courts - to video-record the child's evidence as soon as possible after the offence. The defence counsel for the accused person follows the evidence on a monitor in an adjacent room and may request the police to ask additional questions. The video recording of the evidence is used during the trial so that the examination of the child in court as a witness may often be avoided.

40. Under the Criminal Code, there is an absolute prohibition against sexual intercourse and other sexual relations with a child under the age of 15 years. If there is a special fiduciary relationship or dependence between the child and the adult, the age limit is higher.

41. Danish social legislation concerning support for children and young persons under the age of 18 years is drafted with account being taken of the fact that children and young persons are subject to custody and that they may, as the main rule, not act independently in relation to public authorities.

42. Under the Social Assistance Act, every person is entitled to receive general counselling and guidance by contacting the social authorities. Such general counselling is also open to children and young persons and does not require the consent of the person holding custody.

43. Children under the age of 16 years are not insured independently under the National Health Care Reimbursement Scheme. Children under the age of 16 years are covered by the same health insurance as their parents or the parent with whom they are living. This implies that the child is attached to the general practitioner chosen by the parents. A child may, however, make an appointment with the general practitioner without the parents' knowledge. When the child consults him, the general practitioner is bound to observe customary professional secrecy.

44. Every Danish male person able to bear arms is obliged with his person to contribute to the defence of his country. The starting point is that the duty to perform compulsory military service applies only to persons who have attained the age of 18 years. Arrangements may be made for military service on a voluntary basis, in which connection it is possible, with the consent of the guardian, to perform military service from the age of 17 years.

45. A person must be 18 years of age in order to get a driving licence for motor cars and motorcycles. It is possible for disabled persons to get a driving licence for slow-moving cars from the age of 15 years, however. Mopeds may only be driven by persons who have attained the age of 16 years.

46. Restaurants or other refreshment rooms or the like may not serve alcohol to persons under the age of 18 years. There is no statutory limit for the sale of alcohol in shops. The sale and use of narcotics is illegal, irrespective of age.

IV. GENERAL PRINCIPLES

A. Non-discrimination (art. 2)

47. Under the Danish Constitution, no person may on account of his/her religion or origin be deprived of the full enjoyment of civil or political rights or evade performance of any ordinary civil duty. Likewise, under the Constitution no Danish citizen may be subjected to any form of deprivation of liberty on account of his/her political or religious beliefs or his/her origin.

48. Under the Criminal Code it is an offence to make statements in public in connection with which a group of persons is threatened, insulted or degraded on account of race, colour, national or ethnic origin, faith or sexual orientation.

49. Further, it should be observed that under a special act (the Act on prohibition of discrimination on account of race, etc.), it is an offence in connection with commercial or non-profit activities to refuse to serve a person on the same conditions as others due to that person's race, colour, national or ethnic origin, religion or sexual orientation. This also applies if, for these reasons, a person is refused access on the same conditions as others to a place, performance, exhibition, gathering or the like, open to the general public.

B. Best interests of the child (art. 3) and the right to life, survival and development (art. 6)

Duty of information

50. The decisive factor for granting public support to a family is the needs of the child or young person. In order to ensure that the necessary support can be offered, section 19 of the Social Assistance Act provides that the Minister for Social Affairs may lay down rules under which persons in public offices or public service have a duty to inform the municipal council if they in the performance of their services or work learn about any matters that give reason to presume that a person is in need of social assistance. By virtue of this provision, the Ministry of Social Affairs has issued an Order prescribing such a duty of information as far as children and young persons under the age of 18 years are concerned.

51. Under this Order, this duty must be complied with if the child or young person has difficulties in relation to his/her daily environment, school or the community, or if the child otherwise lives under unsatisfactory conditions. Similar conditions apply when the child or young person is in need of special measures due to a serious physical or mental handicap. The extent of the duty of information is specified in the Order.

52. Furthermore, under the provisions of section 20 of the Social Assistance Act, any person who learns that a child under the age of 18 years is exposed to neglect or degrading treatment by parents or other persons who bring up the child, or is living under conditions endangering the health or development of the child, has a duty to inform the municipal council.

Examination

53. If there are circumstances that give reasons to believe that a child or a young person is in need of assistance, it rests with the municipal authorities under section 32 of the Social Assistance Act to make an examination. The basis of the examination may be a request from the family or the child or young person personally for assistance or special support. The municipal authorities may further - through the above-mentioned rules on the duty of information - be informed that assistance or support of a child or a young person is urgently needed.

54. In cases where the person having custody and the young person who has attained the age of 15 years oppose an examination of the child or young person and where circumstances appear to be so serious that an examination must be deemed necessary in order to decide whether there is an obvious risk of serious injury to the health or development of the child, it may be decided under the provisions of the Social Assistance Act to carry out an examination by admitting the child or young person to hospital or placing it in an institution. This applies particularly to situations where there is not yet any basis for deciding whether placement in care is necessary, but where the municipal authorities find it absolutely necessary to have the matter clarified.

55. In all cases where it is decided to carry out an examination, the legislation lays down a number of requirements regarding the contents of the report which is to be prepared on the basis of the examination. The attitudes of the parents, the child or young person in respect of the measures to be taken, if any, are to be included in the report. Furthermore, the legislation provides that the examination is to be carried out with as much consideration as possible and that it must not be more comprehensive than dictated by the purpose of the examination.

Measures

56. If the examination shows that there is a need for support, the Social Assistance Act states a number of different offers, described below.

57. It is a condition of the initiation of measures that these must be of vital importance in the light of the child's or the young person's special need for support. Further, efforts should be made to ensure that the child or young person can remain in his/her home. Decisions in respect of the initiation of measures are made with the consent of the person having custody. In case of joint custody and where the parents are not living together, both parents must give their consent. A decision to place a person outside the home also requires the consent of a young person who has attained the age of 15 years.

58. Under section 33 (2) of the said Act, the municipal council may decide:

(a) To grant consultant assistance as regards the conditions of a child or young person, and may in this connection decide that a child or young person shall attend a day-care institution, a youth club, an educational institution or similar institutions or offers;

(b) To give practical, educational or other support in the home;

(c) To offer family therapy or similar support;

(d) To provide residential care for both the person having custody, the child or young person, or other members of the family;

(e) To establish a support scheme for the family;

(f) To appoint a personal adviser to the child or young person;

(g) To grant financial support for expenses resulting from the measures referred to under (a)-(e) above if the person having custody does not have sufficient funds for this purpose;

(h) To grant financial support for expenses which have as a result that a placement outside the home may be avoided, that a return to the home may be accelerated or that the support may, to a material degree, contribute to a stable contact between parents and children if one or more children are placed outside the home;

(i) To grant financial support for education in boarding or continuation schools, if the person having custody does not have sufficient funds for that purpose, and

(j) To place the child or young person outside the home, in a residential institution, in family care or any other approved place which must be deemed suitable to meet the special needs of the child.

C. Respect for the views of the child (art. 12)

59. Under the Legal Incapacity and Guardianship Act, the custody of children and young persons under the age of 18 years is vested in the parents, and children and young persons are consequently not allowed to fully decide all matters relating to their personal affairs.

60. The Legal Incapacity and Guardianship Act does not lay down general rules on children's right to be consulted and their right to self-determination. In one respect, however, the Legal Incapacity and Guardianship Act ensures the child a certain right to have a say in the decision-making. Thus, if a child has attained the age of 12 years, an interview must take place with the child before any decision is made in matters of custody or visitation rights.

61. There are statutory rules also in other specific fields according to which the child is given a right to be consulted and a say in the decision. Thus, adoption of a child which has attained the age of 12 years should not

take place without the consent of the child, and a change of the child's name also requires the consent of the child if it has attained the age of 12 years.

62. A minor has a right of proper self-determination as regards guidance on contraceptive methods. Such guidance can be offered and received by children and young persons under the age of 18 years without the consent of the person having custody. As regards the much more difficult question concerning abortion, women under the age of 18 years have no right of self-determination; however, they are given a certain say. If a woman under the age of 18 years wishes to have an abortion, the consent of the person having custody must be obtained. However, in certain cases it is possible to dispense with the parents' consent, and there is a possibility of having an abortion even if the parents refuse to give their consent. On the other hand, it is not possible to carry out an abortion at the wish of the parents, if the young person does not wish to have an abortion.

63. In social matters, decisions concerning support to children and young persons are made in accordance with the Social Assistance Act in relation to the parents and with regard being had to the parents maintaining the custody of the child or young person, or where the child or young person is placed in care outside the home. However, in some fields, the Act prescribes that the opinion of the child or young person shall form part of the decision-making basis when decisions about assistance to their family are to be made.

64. The opinion of the child or young person about social measures must be included in the report which is prepared on the basis of an examination of the child or young person. Children who have attained the age of 12 years actually have a right to be consulted as section 124a of the Act provides that an interview must take place with the child or young person before a decision is made about the initiation of any measures. An interview must always be offered, but it is up to the child or young person to decide whether such an interview is to be carried out. In the case of children under the age of 12 years, information on the child's opinion about an intended measure must be made available; however, only to the extent warranted by the maturity of the child and the nature of the case.

65. In connection with the adoption by the Folketing of these provisions, it was underlined that the provisions regarding the right of a child or young person to express his/her views imply that the opinion of the child or young person is taken into account when the decision is made.

66. In connection with decisions which may be compulsorily enforced, (cf. chapter VI, section I for further details), the decisions are made by a special committee (the youth committee). The offer to personally present the case to the board may be dispensed with if the child is under the age of 12 years or it is considered to be detrimental to the child.

67. Young persons who have attained the age of 15 years have an independent status in certain relations. A young person who has attained the age of 15 years must thus give his/her consent to the carrying out of an examination and to placement outside the home under the provisions of section 33 (2), No. 10, of the Social Assistance Act. In connection with decisions which may

be compulsorily enforced, young persons who have attained the age of 15 years and who refuse to give their consent are entitled to legal assistance paid for by the State.

68. Section 35 (3) of the Act gives the youth committee special authority to make decisions on the placement of the young person outside the home as regards young persons who have attained the age of 15 years and who consent to such placement, or if the person having custody refuses to give his/her consent. It is a condition for the application of this provision that the placement is of essential importance out of regard for the special needs of the young person. It is furthermore a condition that the problems cannot be solved if the young person continued to stay in the home.

69. As a decision according to this provision may be voluntary in relation to young persons who have attained the age of 15 years but compulsory in relation to the parents, the decision is to be made by the youth committee according to the same rules of procedure as those applicable to decisions on compulsory placements.

70. According to the preamble clause of the Social Assistance Act, the possibility of attending day-care institutions is part of the overall, general and preventive municipal facilities offered to children, and, in cooperation with parents and children, these arrangements are to create a framework which will promote children's development, well-being and independence.

71. Day-care institutions serve the purpose of offering care of children while at the same time being social and education facilities, based on several principles, for example, that children should be given co-determination. Importance is thus attached to involving children - according to age and maturity - in the planning and performance of daily activities in the institutions and at the same time enabling them to experience the relationship between influence and responsibility for oneself and for the community.

V. CIVIL RIGHTS AND FREEDOMS

A. Name and nationality (art. 7)

72. Under the Act on Civil Registration, all persons residing in Denmark are to be registered with the Central National Register. Births taking place in Denmark must be reported to the authorities by the parents of the child, or, in the case of children born out of wedlock, by the mother of the child. A child shall be given a first name six months after the birth, at the latest. If the parents have the same surname, the child will be given the surname that the parents have at the time of the birth. If the parents do not have the same surname, the child is not automatically given a surname at birth and the parents (the person having custody) will then have - within a period of six months - to choose whether the child is to take the name of the father or of the mother at that date. If the parents do not choose the surname, the child takes the mother's surname.

73. Under the Children's Act, the spouse of the mother is, without contrary proof, considered to be the father of a child who may have been conceived during marriage. In the case of children born out of wedlock, the mother has

a duty to inform the authorities within a month of the child's birth who is, or who may be, the father of the child. Paternity may be established if the person stated to be the father of the child acknowledges paternity by way of a written declaration to the authorities, which happens in the vast majority of cases.

74. The mother may request the authorities to exempt her from her duty to state the name of the father of the child. By administrative procedure, exemption will be granted if the mother has attained the age of 25 years and her social and financial conditions are deemed to be fairly reasonable. If the male person stated by the mother to be the father of the child does not wish to acknowledge paternity, or if the mother indicates several possible fathers, paternity will be established by the courts.

75. A child's right to Danish citizenship at birth is governed by the Danish Nationality Act, which builds on the principle of descent. This implies that the child's nationality depends on the parents' nationality. If the mother is a Danish national, the child will always become a Danish national. This also applies if the father is - or was at his death - a Danish national and married to the mother of the child. If a Danish male citizen marries an alien woman, a child born before the marriage will become a Danish citizen if the child is unmarried and under the age of 18 years. Under the same legislation, a child who has not attained the age of 12 years acquires Danish citizenship automatically when adopted by a Danish couple under a Danish adoption order or by an unmarried Danish national and the child lives in this country with the adoptive parents.

76. If the child has not obtained Danish citizenship at birth, citizenship may be acquired by way of naturalization under the Constitution. This takes place through the adoption by the Folketing of an Act on naturalization. The persons listed in the statutory naturalization bill do not have any claim for naturalization as it is at the discretion of the Folketing in each individual case whether or not to grant naturalization. In practice, however, there are firm rules concerning when naturalization should be granted. In connection with Denmark's ratification of the Convention, the Folketing decided that children born in Denmark by stateless parents and who live in Denmark may be granted independent naturalization notwithstanding that they have not attained the age of 18 years and the general conditions for naturalization are not met.

B. Preservation of identity (art. 8)

77. Forfeiture of Danish citizenship is also governed by the Danish legislation on nationality. Under the provisions of this legislation, Danish nationality is forfeited by persons who acquire foreign citizenship upon application or with the explicit consent of the person concerned. If a person acquires foreign citizenship automatically in connection with the contracting of marriage, his/her Danish citizenship will thus not be lost. A child under 18 years of age who becomes a foreign citizen as a result of the acquisition of foreign citizenship by one of its parents forfeits its Danish citizenship. This, however, only applies if the parent concerned has custody of the child or has joint custody. Nor will the child's Danish citizenship be lost if the other parent remains Danish and has joint custody.

78. It should be observed that persons born abroad who have never lived in Denmark, nor stayed in Denmark under conditions which indicate any close links with Denmark, will lose their Danish citizenship on attaining the age of 22 years. This also applies to the children of the person concerned if the child has acquired its citizenship through the person concerned, unless the child thus becomes stateless.

C. Freedom of expression (art. 13)

79. Under section 77 of the Constitution, every person has the right to publish his/her ideas in print, in writing or orally, subject to responsibility to the courts. Every person thus has the right to publish his/her opinions, beliefs, theories or the like, and likewise has the right to publish, for example, graphical figures, drawings, pictures, etc.

80. The provision of section 77 precludes the possibility of requiring permission as a condition for the legality of the publication as such. On the other hand, the prohibition of censorship provided by section 77 is no obstacle to making a citizen responsible before the courts on account of the contents of the expression in case the opinion implies an infringement of legislation or the administrative rules on the prohibition of invasion of privacy, for example. Criminal liability is conditional upon the young person having attained the age of 15 years (see chapter III concerning the age of criminal liability).

81. In more recent constitutional works it is presumed that the freedom of expression is enjoyed by everyone - children as well as adults. The starting point is that children have the same right to freedom of expression as adults, and the exercise of the freedom of expression may in general be restricted by the public authorities only to the same extent as for adults. Freedom of expression is thus a right enjoyed by all human beings staying in Denmark, with such restrictions laid down by legislation as have also been presumed in the Convention on the Rights of the Child.

82. In connection with the ratification of the Convention, special attention was paid to a circular issued by the Ministry of Education laying down guidelines for the publication of school magazines. As there was doubt whether the circular was in accordance with the Convention, the Ministry of Foreign Affairs subsequently repealed it.

83. Under the Legal Incapacity and Guardianship Act, the person having custody may make decisions as to the child's personal affairs on the basis of the child's best interests and needs. Upon an assessment of what is in the best interests of the child, parents may thus make a number of restrictions on the child's opportunities for self-expression, including the exercise of the freedom of expression.

84. In connection with the ratification it was considered whether the parents' right to exercise legal custody - especially in relation to teenagers - was in contravention of the provisions of the Convention. In Denmark's opinion, article 13 of the Convention must be seen in connection with article 5 of the Convention. Under this provision, States parties are to respect parents' responsibility, rights and duty to give appropriate advice

and guidance, in accordance with the child's development, in connection with the child's exercise of the rights following from the Convention. The Convention thus recognizes the principle that the parents' obligation to care for the child implies a right for parents to place restrictions on the child's freedom of action if this is assumed to be in the best interest of the child. Danish law is thus in compliance with the Convention in this respect.

85. As regards the question of how to ensure that parents' restrictions on the child's freedom of action are not more radical than necessary in order to safeguard the interests of the child in the best possible manner, it may be noted that under the provisions of the Social Assistance Act is rests with the municipal council to supervise the conditions under which children in the municipality live, and to support the parents as regards the upbringing and care of the children. The Social Assistance Act further gives the municipality the possibility of assisting the parents and initiating support measures if the child lives under unsatisfactory conditions. (See above under Chapter IV.B for further details.)

D. Access to appropriate information (art. 17)

86. By way of introduction, it should be observed that the mass media in Denmark are independent of the State and that the Constitution lays down provisions prohibiting censorship, as mentioned above.

87. The Danish efforts to promote education, information and knowledge among children and young persons are described as very comprehensive, of a high quality and with a wide popularization among the target group. Denmark already has long traditions when it comes to radio, TV, film, theatre and books for children and young persons. There are special programmes for children on radio and TV, produced by children's and youth sections whose staff are qualified in this particular field. Furthermore, public funds have been earmarked for the production of films for children and young persons. These funds account for 25 per cent of the total subsidies for film productions and are administered by two expert consultants on children's films.

88. In relation to its size, Denmark has a large number of theatre groups for children (in 1992, some 110 groups), and Denmark's production of books for children and young persons amounted to more than 1,100 new titles in 1991. Denmark also has a very large number of children's libraries, which have been designed and staffed with people trained for the purpose of serving children and young people. The production of books for children is in the hands of Danish publishers as part of their activities without any special subsidy schemes, whereas the State, the counties and the municipalities contribute to the distribution of books through subsidies to the libraries in Denmark.

89. All films to be shown in public are - under the Act on Censorship of Films - to be reviewed and evaluated in relation to an audience of children and young persons. At the moment, there are two age limits as to prohibition, i.e. 12 years and 16 years, and in addition to this an age limit of 7 years is intended as a guide. A revision of the censorship of films is being considered, one of the reasons being the ever-increasing supply of films on TV and the video market which are not covered by the Act on Censorship in force.

90. Also in the social field, children have been ensured access to information in the form of counselling. Under section 28 of the Act on Social Assistance, everyone has a right to counselling and guidance. This right also applies to children and young persons, and the Act provides that counselling has to be provided as an open and anonymous offer. Counselling does not require the consent of the person having custody. A child or a young person who seeks anonymous and open counselling is thus free to contact the social authorities for the sole purpose of obtaining counselling.

91. The aim of the counselling provided under section 28 of the Act on Social Assistance is to help the child or young person itself to solve the problems which have given rise to the inquiry. Like anybody else, children and young persons asking for counselling and advice have the right to require that the information is not registered, nor passed on to others.

92. In many municipalities, open counselling has been established in untraditional surroundings, geographically separated from the ordinary municipal administration. This may contribute to the counselling being used by individual persons or families who would otherwise not be aware of this possibility or who do not wish to contact the municipal administration directly. As a separate arrangement, or in connection therewith, a telephone counselling service may be established within the framework of the educational system, and several private organizations also offer counselling for children and young persons.

E. Freedom of thought, conscience and religion (art. 14)

93. The provisions regarding the right of the child to freedom of thought, conscience and religion constitute rights which are guaranteed to all citizens in Denmark through the constitutional provisions on freedom of expression, association and religion.

94. Under section 67 of the Constitution, all citizens have a right to form congregations for the worship of God in a manner consistent with their beliefs, provided that nothing contrary to good morals or public order is taught or done. Under section 140 of the Penal Code it is an offence to expose to public ridicule or insult the dogmas or worship of any lawfully existing religious community in this country. Under section 70 of the Constitution, no person may be deprived of access to the full enjoyment of civil and political rights on account of his/her religious belief or descent.

95. "Citizens" have the right of freedom to worship, and this right extends to any person who is a resident of Denmark, i.e. Danish nationals as well as aliens, children as well as adults.

96. Under section 4 of the Constitution, the Evangelical Lutheran Church is the Established Church of Denmark. Any person who is baptized in the established church becomes a member of the Established Church of Denmark. A member of the Established Church of Denmark may terminate his/her membership upon resignation of membership in writing. In the case of unmarried persons under the age of 18 years the decision to resign membership is made by the person having custody, provided always that a person who has attained the age of 15 years must also give his/her consent.

97. Education in the nine-year primary school comprises Christian studies. The main element of the Christian studies is the Evangelical Lutheran Christianity of the Established Church of Denmark. A child may be exempted from participating in the religious instruction if the person having custody declares his/her willingness in writing to the principal to take care of the child's religious instruction. If the child has attained the age of 15 years, exemption may only be granted with the child's consent.

98. Pupils at a gymnasium (Danish upper secondary school) belonging to a religious community outside the Established Church of Denmark may also be exempted from participating in religious instruction and examinations. If the pupil is a minor, exemption may be granted only with the consent of the person having custody.

F. Freedom of association and peaceful assembly (art. 15)

99. The right to freedom of association appears from section 78 of the Constitution, according to which citizens have the right to form associations for any lawful purpose without previous permission. This provision applies to children as well as adults. By association is meant a union of a group of persons for a specific purpose. Section 78 of the Constitution concerns the protection of an association against State control, as it guarantees the individual the right to form an association. This provision thus ensures that no requirements may be introduced by statute that associations may only be formed upon previous permission. The freedom to form associations may not be restricted in such a manner that prohibitions are introduced against the formation of associations in certain fields, and it cannot be decided by statute to exclude certain sections of the population, for example young persons.

100. Under section 79 of the Constitution, citizens also have the right without any previous permission to assemble unarmed. An assembly may be defined as a plurality of people gathered in the same place and at the same time for a common purpose. The purposes of the assembly may differ considerably. One of the purposes may be to exchange opinions, for example, and the freedom to assemble could thus be said to supplement the freedom of expression in that it provides a constitutional right to assemble and exchange opinions. Under section 79, open-air meetings may be prohibited when it is feared that they may constitute a danger to the public peace.

101. Finally, it should be noted that children are covered by the Act on freedom to form associations. Under this Act, an employer is not entitled to dismiss an employee because the employee is not a member of a union or association, or of a specific union or association. Excepted from this, however, are contracts of employment where the employee knew at the time of the recruitment that the employer has made membership of a union or association a condition for the recruitment.

G. Protection of privacy (art. 16)

102. In a constitutional democracy one of the fundamental principles is that neither children nor adults shall be subjected to the interventions referred

to in article 16 of the Convention. The protection mentioned in article 16 must be seen in connection with the rights that the child is entitled to under articles 10 and 12-15.

103. It should be underlined - in particular in respect of the provision that the child must not be subjected to arbitrary or unlawful interference with his/her correspondence - that section 72 of the Constitution provides that house search, seizure and examination of letters and other papers together with any breach of the secrecy that shall be observed in postal, telegraph and telephone matters must take place only following a court order, unless particular exception is warranted by statute.

104. With regard to a child's privacy and family life the Social Assistance Act lays down strict rules as to the cases in which public authorities may take measures to help a child. The point of departure is that public authorities may only offer assistance - educational, psychological, by placement outside the home, or otherwise - if the person having custody gives his/her consent. In cases with an obvious risk that the health or development of the child or young person seriously suffers, it may, however be decided to place the child or young person outside the home without the consent of the person having custody of the young person. It is also possible to place a young person who has attained the age of 15 years outside the home without the consent of the person having custody if the young person so wishes and the placement is of essential importance for the specific needs of the young person. (For further details, see chapter VI.I below.)

105. The Social Assistance Act further lays down rules concerning the contact between parents and children as well as visits in cases where the child has been placed in care. The starting point is that the parents and the child or young person have a right to visits or contact during the placement of the child or young person outside the home. The municipal council shall see to it that the relationship between the parents and the child or young person is maintained. Only in cases where it is necessary out of regard for the child or young person may a decision be made on restricted visits or discontinuance of the contact between the parents and the child or young person. During stays in institutions offering residential care for children and young persons it may further - if necessary out of regard for the health or the development of the child or young person - be decided to control all correspondence, telephone conversations and other communication of the child or young person with specified persons outside the institution. The Social Assistance Act gives access, to a wide extent, to have the decisions of the authorities in the matter concerned tried by the court. (For further details, see chapter VI.C below.)

H. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37 (a))

106. Denmark has no capital punishment or corporal punishment. Under the Danish Penal Code the ordinary sentences in Denmark are imprisonment, mitigated imprisonment or fines. A term of imprisonment is imposed for life or for a term not less than 30 days or more than 16 years. The punishment for

acts committed by a person under the age of 18 years must, under the Penal Code, not exceed imprisonment for a term of 8 years. As mentioned above, a person in Denmark acquires criminal liability at the age of 15 years.

107. Denmark has ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Torture or other cruel, inhuman or degrading treatment is punishable as assault or ill-treatment. Neglect or degrading treatment committed by parents, etc. against a child is likewise punishable under section 213 of the Criminal Code.

VI. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

108. Under Danish law, children and young persons under the age of 18 years are subject to custody. This implies a duty for the parents to take care of the child and a right for the parents to make decisions concerning matters relating to the child or young person with due consideration to the best interests and needs of the child or young person.

109. The Danish social legislation concerning support to children and young persons has been drafted on the basis of the fact that children and young persons are subject to custody and that they do not, as a main rule, act independently in relation to public authorities.

110. As regards possible assistance to children and young persons under the Social Assistance Act, the starting point is to assist the parents (the person(s) holding custody) with a view to improving their possibilities of taking care of the child or young person and satisfying the needs of the child or young person.

111. The need for protection of the child or young person against acts or living conditions which expose the child or young person to risks to their health or sound development is ensured under the Social Assistance Act by provisions on the right to make decisions concerning the child or young person and where the person having custody opposes such decisions. Furthermore, the Act contains provisions which, to a certain specified extent, give the child or young person independent rights in relation to the parents and public authorities. The basic principle in connection with assistance to children and young persons is that the aid should be granted with due respect to the unity of the family and of the integrity of the family.

112. Under the Social Assistance Act assistance should be offered if the circumstances show that a child or young person is in need of special assistance. In order to ensure that the need for assistance of a child or young person is satisfied, the Act lays down certain obligations for the municipal authorities which are responsible for granting the assistance required. Furthermore, there is in certain cases the duty for staff members and private persons to notify the municipal authorities if there is reason to believe that a child is not treated properly or has other needs for assistance (cf. chapter IV B above).

A. Parental guidance (art. 5)

113. As mentioned earlier, children and young persons under the age of 18 years are under the Legal Incapacity and Guardianship Act subject to the custody of the parents unless they have entered into marriage. The person having custody shall take care of the minor and may make decisions concerning the personal situation of the minor with due consideration to the best interests and needs of the child.

114. The duty to take care of the child is the main element of custody. Custody implies a duty to take care that the child gets sufficient food, clothes, housing, warmth, care, etc. Custody also implies a duty to educate the child, teach the child social adaptation, conduct and norms so that the child may associate with other people, and a duty to ensure that the child is given proper school education.

115. The person having custody is also entitled to decide how the duty of care should be performed. The person having custody may decide how the child is to be brought up, its education, its abode, food, clothing, etc. The person having custody - who is also the guardian of the child - manages the property of the minor and acts on behalf of the minor in all matters relating to such property. However, a number of transactions require the consent of the county authorities, and the administration of property is subject to certain restrictions as regards investments and spending of capital.

116. There are a number of statutory rules which restrict and define the rights and duties in connection with custody. The reason for such statutory restrictions which clarify the duties of the person having custody have, inter alia, been caused by the consideration of ensuring that children are given a certain level of qualifications. Any child residing in Denmark must, as the main rule, attend compulsory education for nine years and it is the duty of the person having custody or the person actually in care of the child to assist in ensuring that the child receives such compulsory education. Other statutory restrictions in custody have been introduced to ensure that the children are brought up under proper conditions (cf. section I below).

117. A number of criminal law sanctions exist to deal with gross improper acts against children. It is thus a criminal offence to expose a child to neglect or degrading treatment. Furthermore, the Criminal Code lays down rules on sexual abuse of children and on assault, battery and maltreatment (cf. chapter IX.C below).

B. Parental responsibilities (art. 18, paras. 1-2)

118. Under the Danish Legal Incapacity and Guardianship Act parents who are married to each other at the birth of the child or who subsequently entered into marriage have joint custody. This does not mean that the parents necessarily have to act together in any decision concerning the child. Decisions of an ordinary nature can be made by each parent on behalf of both of them. In the case of decisions concerning more important matters, the decision must be taken by both parents acting jointly.

119. If the parents are not married to each other, the mother will have sole custody. However, parents who are not married to each other or who are legally separated may - with the consent of the competent authorities (the county authorities) - agree to have joint custody. Such agreement will be approved, unless it is in conflict with the best interests of the child. Such agreements about joint custody are rather common. This arrangement is in particular used by parents who are cohabiting without being married. During the first two years (1986 and 1987) following the introduction of this scheme the number of agreements on joint custody was 10,450 and 13,029, respectively.

120. If parents who have joint custody are not cohabiting or intend to break off such cohabitation, either parent may claim that the joint custody should be brought to an end. This applies to both parents who have joint custody by virtue of marriage and to parents who have agreed to have joint custody.

121. In the event of legal separation and divorce it must be decided which parent should be given custody. The parents may agree to continue to have joint custody or that one of them is to have sole custody in the future. If the parents fail to agree as regards the question of custody, the matter will be decided by a court of law. The court may not decide that the parents should have joint custody, but must decide which parent should be given custody. The Legal Incapacity and Guardianship Act is neutral as regards the choice between the father and the mother. Thus the Act gives neither parent a preference over the other.

122. The decision concerning custody is made with due account being taken of the welfare of the child. When a court of law is to decide to which parent to give custody, a number of factors are taken into account and weighed against each other in each individual case. As examples, one could mention the suitability to have custody, social circumstances, the age and sex of the child, the health of the parents, the financial situation of the parents, housing and working conditions, as well as the child's attachment to one of the parents.

123. Efforts are made to maintain the child's relationship with both parents by granting the parent who does not have custody visitation rights. All parents who do not have custody have this right. In most cases the parents agree between them how this right should be exercised. If they fail to agree, the State county authority decides the frequency and exercise of the right. This is done on the basis of the individual cases. In connection with decisions on visitation account is taken in particular of the child's previous connection with the person entitled to access. Account is further taken of previous agreements between the parents, the age of the child, visits of other sisters or brothers, the leisure time activities of the child, the working and personal conditions of the parents and the distance between the homes of the parents. As regards children above a specific age the child's own opinion about visitation will also be taken into account.

124. In recent years the trend has been in the direction of an extension of the duration of visits. The right to visitation would typically be fixed at every second weekend from Friday night until Saturday night, about two weeks during the summer holiday and some days in connection with public holidays.

125. The county authority may refuse to grant visitation if this is considered to be in the best interests of the child. In such cases the county authority must take into particular consideration the previous connections between the parent concerned and the child. Thus, there may be cases where there has been so little contact between the child and the parent that the granting of visitation would not be appropriate for the child. If the child and the parent have been living together for about one year, visitation will, as the main rule, not be refused. In the case of disagreement between the parents on custody and visitation the county authority will offer the parents and the child counselling and guidance from an expert in these matters.

126. If one of the parents dies, the other parent will have sole custody if the parents were married or had joint custody and the child is living with the surviving parent. In other cases the county authority decides who is going to have custody of the child. However, the surviving parent should be given preference. The decision of the county authority may be tried by the court.

127. In 1993 the Ministry of Justice set up an expert committee, the Committee on Custody, which is to analyse and, if considered appropriate, propose new legislation to change the rules laid down in the Legal Incapacity and Guardianship Act on custody, family guidance and exercise of visitation rights. The Committee is also to examine the Danish rules on custody in relation to the Convention on the Rights of the Child.

128. In order to give families with young children the best possible start parents have a statutory right to maternity leave in connection with pregnancy, birth and adoption under the Act on Equal Treatment of Men and Women as regards Employment, Maternity, etc. Pregnant women in employment thus have a right to four weeks' maternity leave with maternity benefit before the confinement. After the confinement the parents together have a right to maternity leave for 24 weeks. The first 14 weeks after the confinement must be taken by the mother alone. However, the father has a right to leave with benefit together with the mother and child for two weeks within the first 14 weeks after the confinement. In special cases - for instance, if the mother is seriously ill - the father may take over the mother's right to benefit in connection with leave. The last 10 weeks' leave with benefit may be taken by either the father or the mother, always provided that only one parent at a time may be on leave.

129. The more detailed conditions for the right to receive maternity benefit during leave are laid down by an Order on cash benefits in connection with sickness or maternity. All persons have a right to cash benefits. However, large groups of employees receive full wages or salary during sickness or maternity under other legislation, collective agreements or agreements concluded with employers. The costs of cash benefits are paid by the State.

130. An employee who has informed the employer of his or her wish to use the right to absence from work or who has been absent from work due to pregnancy, maternity or adoption is protected against dismissal for that reason.

131. The period of maternity leave has been considerably extended in the course of the 1980s. The question of further extensions of the period of leave is still being considered.

132. In 1992, parents were given the possibility of taking parental leave in order to take care of their own children. This scheme will, from 1 January 1994, be replaced by a new act on parental leave. Under this new Act, parents may take leave for at least 13 weeks and not more than 52 weeks to take care of their own children. The aim of this Act is to consider, inter alia, labour market policy, social policy and family policy needs. The right to leave is given to people in employment, unemployed persons and self-employed persons. Persons in employment are entitled to 26 weeks' leave, but may agree with their employer to take leave for a further period of 26 weeks. The employee receives a leave benefit of 80 per cent of the maximum rate of unemployment benefit. With effect from 1 January 1994 it will also be possible for the municipal authorities to pay a supplementary subsidy to parents who are on leave to take care of their children. However, the total compensation may not exceed 80 per cent of the previous earnings.

133. Children in the age group 0-2 years may not be placed in a public child care institution during the period of leave. Children in the age group 3-8 years may be admitted to a child care institution for half of the day during the leave period.

134. In certain situations financial assistance may be granted under the Social Assistance Act if the family has financial problems. In connection with payment of current cash assistance to persons or families with social, health or financial problems and which are not entitled to assistance under any other legislation, for instance concerning unemployment benefits, a special monthly child supplement per child may be granted to family supporters with children. These costs are paid by the State. Furthermore, assistance may be granted to help cover the costs in connection with access to one or more children under the age of 18 years.

135. Finally, compensation may be paid to parents with seriously sick children under the age of 14 years if the parents give up their work, in full or in part, in connection with the illness of the child. This compensation corresponds to the amount of sickness benefit. The costs in this connection are paid by the public authorities.

C. Separation from parents (art. 9)

136. Under section 67 of the Social Assistance Act the parents and the child or young person have a right to visits and contacts during the stay of the child or young person outside the home (cf. the more detailed rules under section F below). This applies to both the parent who has custody and the parent who has a right to access. The right to contact covers both a right for the parents to visit the child or young person and a right for the child or young person to visit the parents. The right to contact also covers contact by correspondence and telephone calls.

137. The municipal authorities may, if necessary, decide on the extent and exercise of the visiting and contact rights between the parents and the child or young person. This applies to the organization of visits and the procedure for contact by letter or telephone. The municipal authorities may also lay down other terms for the right to contact.

138. The conditions in connection with the placing of the child outside the home may be of such a nature or develop in such a way that it is necessary to regulate the contacts in a more restrictive manner. If the contact is considered to have a harmful impact on the child or young person, it may be necessary to cut off the contact completely. Such a step is very drastic and a decision to cut off the contact with the child or young person may be felt to be even harder for the parents than the decision to place the child or young person outside the home without their consent. For this reason, such a decision may only be taken if it is necessary in order to protect the health of sound development of the child or young person.

139. The cutting off of he contact between parents and the child or young person concerns primarily the parents' direct contact with the child or young person. The decision does not necessarily mean that the child or young person may not send letters to the parents.

140. Any decision which means that contact may only take place at intervals of more than one month is treated in the same way as a decision to cut off the contact between the child or young person. Such a decision must be in accordance with the special strict rules which apply to decisions to cut off all contact. Decisions to cut off contacts, surveillance of contact for a period exceeding three months or to keep secret the abode of the child or young person are taken by the municipal youth committee and such decisions must be related to a certain specified period of time.

D. Family reunification (art. 10)

141. The Danish rules on family reunification are laid down in the Aliens' Act. Under these rules a child under 18 years of age of a person having permanent residence in Denmark or his/her spouse has a statutory right to obtain a residence permit if the child lives with the person having custody of the child. The application for a residence permit must be submitted before the child attains the age of 18 years. A child under 18 years will also be given permission to visit his/her parents, if an application to this effect is submitted. In situations where special reasons exist for the child not living with his/her parents or other relatives in the home country, a child under 18 years may on the basis of an evaluation of the individual case obtain a residence permit to stay with close relatives residing in Denmark.

142. Furthermore, a child may be given a residence permit with a view to being adopted by persons residing in this country, if the adoption is endorsed by the Danish adoption authorities and with a view to staying with foster parents if this fostering relationship is endorsed by the Danish social authorities and the relationship is otherwise considered appropriate (cf. section G below).

143. In 1992, the number of minors granted a residence permit with a view to family reunification with their parents amounted to 2,112.

144. Parents over 60 years of age of a child with status as a refugee or with a permanent residence permit in Denmark have - subject to certain conditions - a statutory right to obtain a residence permit. The parents' right to family reunification applies, irrespective of age.

145. If a child has the status of a refugee in Denmark, the residence permit of the parents may be made conditional upon the promise of the child to support the parents and upon proof of his/her ability to actually support the parents. In the case of a child which does not have the status of a refugee but holds a permanent residence permit which is not limited in time, a residence permit will normally be granted only if the parents have no other children in their home country and if the child residing in this country undertakes to support the parents and proves his/her ability to do so.

146. Parents who apply for a residence permit in Denmark with reference to their child under 18 years residing here, will typically not satisfy the age requirement mentioned. In such situations it is possible to grant a residence permit under a provision in the Alien's Act to the effect that a residence permit may be granted if warranted by special circumstances.

147. If the parents are residing outside their home country for reasons which entitle them to asylum and apply for a residence permit in Denmark with reference to a child under 18 who has his/her residence in Denmark, the authorities may under certain circumstances grant the persons concerned a residence permit. In other cases where the parents are staying in the home country, the authorities will normally refuse application for family reunification and will suggest reunification of the family in the home country.

148. In some cases applications for a residence permit are submitted by parents of a child under 18 years residing in this country in connection with the parents' arrival or stay in Denmark. In such cases the parents most often apply for asylum; if this is refused, the authorities can, and have, granted a residence permit on the basis of special circumstances, including, in particular, any children under 18 years living here who have, in many cases, come to Denmark unaccompanied.

149. As a starting point, Denmark has a restrictive practice as regards the granting of visas to nationals from countries from which many persons applying for asylum come, as the experience shows that there is a certain risk that the persons concerned will use a visa in order to apply for a longer or a permanent residence in this country. Irrespective of this practice, the aliens authorities have, in a number of cases concerning parents of children who had come to Denmark unaccompanied, granted a visa to visit the child for humanitarian reasons in order to make it possible for the child to maintain the contact with his/her parents.

E. Recovery of maintenance for the child (art. 27, para. 4)

150. Under the Children's Act each parent individually has a duty to support the child. If one of the parents fails to comply with this duty of support, the county authorities may order the person concerned to make maintenance payments to support the child. If maintenance payments are not paid by the person who has been ordered to make such payments, the maintenance payment may be made to the person entitled by the public authorities. Such advance payment of maintenance may not exceed the normal maintenance payment, i.e. the payment which a worker with an average wage may be ordered to pay (DKr 695 per month as at 1 July 1993).

151. Maintenance payments to children may be recovered through the courts of law under the rules on enforcement laid down in the Danish Administration of Justice Act. Furthermore, maintenance payments may be recovered under the Act on recovery of maintenance payments (the Recovery Act) which makes it possible to use a particularly efficient recovery method. The Recovery Act specifies which claims may form the basis for recovery proceedings, which authorities are responsible for taking such proceedings, the manner in which recovery proceedings take place, and how such cases are dealt with. The more detailed rules concerning recovery are laid down by the Ministry of Justice.

152. Under the Recovery Act the authority responsible for recovery proceedings is the municipality in which the person liable to make maintenance payments is residing. The municipal authorities may enforce payment of maintenance by means of attachments of earnings, etc. or by levying execution on the property of the person concerned. If attachment of earnings or execution on property are not appropriate, a decision may be made concerning imprisonment of the debtor. Such decisions are made by the police.

153. If a person liable to make maintenance payments intends to take up his residence or to have his permanent abode in a country outside the Nordic countries, he must comply with his duty to make maintenance payment or put up security for such payments before leaving the country.

154. The Recovery Act also applies to recovery of payments to comply with a duty to pay maintenance imposed under foreign law to the extent that Denmark has committed itself to do so, and Denmark has in a number of international conventions committed itself to enforce payment in this country on the basis of maintenance documents drawn up in other countries.

155. The Nordic Convention of 23 March 1962 on recovery of maintenance payments deals with recovery on the basis of documents drawn up in other Nordic countries. The more detailed administrative rules in connection with such enforcement proceedings are laid down by Order. Furthermore, Denmark had joined the Hague Convention of 15 April 1958 on recognition and enforcement of decisions relating to maintenance payments obligations towards children and the Hague Convention of 2 October 1973 on recognition and enforcement of decisions relating to maintenance obligations. The Convention of 1958 is in itself only of importance in cases where the relationship between Denmark and another joining country is not regulated by the Hague Convention of 1973 because both countries have not joined that Convention.

156. Denmark has also joined the Convention of 27 September 1968 on jurisdiction and enforcement of judgements in civil and commercial matters, as subsequently amended (the EC Judgement Convention). This Convention also covers maintenance payments. In 1993 Denmark is expected to ratify the Convention between the EC member States on the simplification of procedures for the recovery of maintenance payments, under which the contracting parties commit themselves to set up central authorities which are to receive, control and dispatch cases concerning maintenance payments which are covered by the EC Judgement Convention.

157. Finally, Denmark has joined the United Nations Convention of 20 June 1956 on recovery abroad of maintenance payments (the United Nations Convention) and the Lugano Convention of 16 September 1988 on jurisdiction and enforcement of judgements in civil and commercial matters.

F. Children deprived of family environment (art. 20)

158. In a number of cases considerations concerning the welfare of the child make it necessary to place the child outside its home for a short or longer period of time. In 1991 a little more than 14,000 children were placed in care outside their homes, in most cases with the consent of the parents. Under the Social Assistance Act placement may take place in a child care institution or in other places approved by the authorities.

159. Prior to taking the decision to place a child or young person in care, a plan must be drawn up stating the purpose of such placement. Furthermore, the plan must state the expected duration of the placement and other special circumstances concerning the care, education, etc. of the child or young person. This plan must be revised regularly, the first time after two months and subsequently every six months. (As regards review of such cases, reference is made to section J below.)

G. Adoption (art. 2)

160. The Danish rules concerning adoption are laid down in the Adoption Act. Under this Act only persons residing in Denmark may adopt a child under the Danish legislation. The rules concerning approval of adoptive parents and on the procedure for dealing with adoption cases, including the consent of the child and natural parents to the adoption, are laid down by the Minster of Justice. Permission to adopt is granted by the county authority, which is an administrative authority.

161. The adoption gives the adopted child the same status as natural children. This means that the same legal relationship exists between the adoptive parents and the adopted child as between parents and their natural child, and the child and its issue will have the same right to succeed to the property of the adoptive parents and their relatives and vice versa as if the adopted child were the natural child of the adoptive parents. At the same time all legal relations between the adopted child and its natural parents and relatives are cut off. If a spouse adopts the child or adopted child of the other spouse, the child will have the same legal status in relation to the spouses as if it were their natural child.

162. The adopted child enjoys special protection in that an application may be made to abolish the adoption in the case of agreement between the parties or in the case of harm to or abuse of the child by the adoptive parents.

163. If the child is under the age of 12 years at the time of the adoption, it will become a Danish citizen from the date of the adoption, if adopted by a married couple who are both Danish citizens or by an unmarried Danish citizen and the child is living in this country together with the adoptive parents/the adopter. If the adopted child is more than 12 years old and an application is made for Danish citizenship, a declaration is required from the child to the

effect that he/she wants to obtain Danish citizenship. A child who is more than 12 years old must also consent to the adoption, unless this requirement of consent is considered to be detrimental to the child.

164. At the adoption the child takes the family name of the adopter unless it is decided in the adoption order that the child shall keep its own name or continue to bear this name together with the name it gets at the adoption.

165. Danish births and baptism certificates do not state whether the child is an adopted child. However, a child may always obtain information as to whether he/she is adopted and about the identity of the natural parents. No age requirements apply in such cases and children and young persons under the age of 18 years who are sufficiently mature to understand the implications of the information may request to have such information.

166. A child may only be adopted without the consent of the person(s) holding custody in quite exceptional cases and if required to safeguard the best interests of the child. But the rule mentioned above requiring the consent of the child if it is more than 12 years old also applies in such cases.

167. In Denmark about 20 babies which the mothers have placed in a children's home with a view to adoption are adopted every year. Children who are permanently cut off from family relations are thus ensured alternative care, for instance in the form of adoption.

168. Adoption may only be granted if prior investigations show that it will be in the best interests of the child and the intention is to foster the child with the adopter or if the child has been fostered by the adopter or there are other special reasons for the adoption. If the person to be adopted is under the age of 18 years, adoption may only be granted if the applicant has been approved as adopter. The decision to approve a person who wants to adopt a child is made by an adoption committee in the county where the applicants are residing. However, such approval is not required in connection with the adoption of the child or adopted child of a spouse or adoption of a grandchild, the child of a brother or sister or the child of parents with whom the adopter has had a close and long-lasting friendship or other close ties.

169. In order to be approved as adopter the applicants must satisfy a number of general requirements as regards age, duration of marriage, the number of other adopted children or natural children. Approval takes place after an assessment of the personality of the applicants' physical and mental health, family situation, motive for adoption, etc. Applicants who want a foreign child are approved according to the same rules as those who want to adopt a Danish child. However, special requirements apply as regards health and financial resources of applicants who are to be approved for adoption of a foreign child.

170. Adoption of a person under the age of 18 years requires the consent of the parents. If only one of the parents has custody of the child, the consent of that parent is required. A declaration is required from the parent who does not have custody. In connection with the provision of consent and declaration the parents are thoroughly informed about the legal effects and consequences of the adoption. As mentioned earlier, the consent of the child

is required if the child is more than 12 years old, unless this is considered to be detrimental to the child. If it turns out that the parents are to receive a sum of money from the persons seeking adoption, the application will be turned down.

171. With a view to international adoption the Ministry of Justice has given three private Danish organizations, viz. Adoption Center, DanAdopt and Terre des Hommes, permission to offer their services in connection with the adoption of children who are not Nordic citizens. Private individuals or organizations other than those mentioned above are not allowed to offer their services for the purpose of adoption of foreign children. The Ministry of Justice has decided that the licences given to these three organizations include a term which provides that any profit made in connection with their activities to place children for adoption or from any other sources may only be used for humanitarian purposes. The organizations may only cooperate with counterpart organizations in the donor countries whose activities are legal and which comply with the conditions for adoption activities in Denmark.

172. When the applicants have been approved for adoption, the organization concerned submits the approval together with other information concerning the situation of the applicants to its foreign counterpart with a request to propose a child for the applicants within the framework of the terms of the approval. The proposal of the foreign organization is then submitted to the adoption committee which decides whether to endorse the proposal. Before the grant for adoption is given, the Ministry of Justice ensures that the conditions laid down in the Danish Adoption Act are satisfied and that the decision concerning the adoption has been taken by a competent foreign authority.

173. On 6 February 1931 Denmark concluded a convention with Finland, Iceland, Norway and Sweden which lays down private international law provisions concerning marriage, adoption and guardianship. With a view to ensuring that the adoption of foreign children takes place on a legal and ethical basis, on 23 August 1978 Denmark ratified the European Convention on the Adoption of Children, signed in Strasbourg on 24 April 1967. In 1991, 1,235 adoptions took place in Denmark, 618 of which concerned foreign children. The majority of the Danish children adopted were family adoptions, including adoption of stepchildren.

H. Illicit transfer and non-return (art. 11)

174. Under the Legal Incapacity and Guardianship Act parents who are married to each other have joint custody of the child. Unmarried parents may under certain circumstances agree on joint custody. Joint custody means that the parents jointly decide on the abode of the child, including whether the child is going to live in a foreign country.

175. With a view to preventing drastic consequences in situations where there is a risk of escape to a foreign country in the case of disagreement between the parents, a rule has been introduced in the Act concerning temporary custody. If the escape of one of the parents with the child would anticipate a decision as to who is to have custody, it may be decided that the other parent should be given sole custody on a temporary basis. Such a decision is

often taken in response to an oral request to the police for assistance. The decision on temporary custody is taken by the Minister of Justice who may in the individual cases authorize the county authorities to take the decision. If custody proceedings are pending, the court will take the decision on temporary custody.

176. In addition to the decision on temporary custody, there is also a rule to the effect that the consent of both parents must be obtained if a child is to leave this country as long as there is disagreement between the parents as to which of them is to have sole custody. Under section 215 of the Criminal Code it is an offence to take the child out of this country without the consent of the other parent, and the police may take action to prevent the departure with reference to this provision.

177. If the parents do not have joint custody, the parent who does not share in custody will, as the main rule, have visitation rights.

178. On request the authorities will take a decision on this matter and may lay down any terms which should apply in connection with such visits. In situations where the parent who has visitation rights is a foreign citizen or has a special attachment to a foreign country, the terms laid down at the request of the other parent could be a deposit of passport or surveillance if the possibility of abduction of the child cannot be excluded.

179. Permission may be given to be together with the child abroad if there is absolute certainty that the child can be returned if the parent in question holds back the child when the period of access expires.

180. Denmark has ratified the Hague Convention of 1980 on the civil aspects of international child abductions and the European Convention of 1980 on recognition and enforcement of decisions concerning custody and on restoration of custody of children. Both conventions aim at solving the problems which arise when a child is abducted from one country to another country or is in any other way unlawfully removed from the parent holding custody of the child. Denmark has further joined conventions with the Nordic countries concerning recognition and enforcement of Nordic decisions concerning civil law claims.

181. Custody may be transferred to the other parent or to a third party by an agreement approved by the county authorities. The county authority will not approve any such agreement if the transfer of custody involves payment of a sum of money to the person holding custody.

I. Abuse and neglect (art. 19), including physical and psychological recovery and social reintegration (art. 39)

182. Placement of children and young persons outside the home requires the consent of the person holding custody and also of the young person if he/she has attained the age of 15 years.

183. As regards consideration of the need to protect children and young persons against acts which may have a harmful effect on their sound development, section 35 of the Social Assistance Act provides that it may be decided to place the child or young person in care outside the home without

the consent of the person holding custody and of the young person, if he/she has attained the age of 15 years. In such cases it is a condition that there be an evident risk of serious harm to the health or sound development of the child or young person due to:

(a) Lack of adequate care and treatment of the child or young person;

(b) Violence or other serious acts committed against the child or young person;

(c) Abuse problems, criminal behaviour or other serious social problems in connection with the child or young person; or

(d) Other behavioural or adaptation problems in connection with the child or young person.

184. Decisions concerning enforcement of coercive measures and decisions concerning contact by letter or by telephone, suspension of visits, etc. are taken by a youth committee composed of five members and set up by the municipal council. Three of the members of the youth committee are appointed from among the members of the municipal council. Furthermore, the local judge (a legally qualified person) and an educational/psychological expert are appointed as members of the committee. The judge has - as chairman of the committee - special powers concerning, for instance, instruction of the committee and a duty to ensure that the cases have been sufficiently investigated.

185. Furthermore, the Act lays down guidelines for the procedure for dealing with such cases in the youth committee as regards the right to have access to the documents in the case, legal assistance and the right of access to the committee by the persons affected by the decision.

186. The decisions of the youth committee may be brought before the Social Appeals Board, which is an administrative authority; appeal against the decisions of this board can be made to the Danish High Court.

187. In 1992, about 800 children were compulsorily removed from their homes by virtue of these rules.

J. Periodic review of placement (art. 25)

188. The plan which must be prepared before a child or young person is placed outside the home must, as mentioned earlier, be taken up for periodic review. This applies irrespective of whether the placement in care is voluntary or compulsory. Furthermore, special rules apply to the review of cases if the placement is compulsory under section 35. Under section 35 of the Act the continuation for more than one year of a decision made by the youth committee concerning a measure under section 35 requires a new decision of the committee. If the case has been brought before the Social Appeals Board or before the High Court or the Supreme Court, this time-limit runs from the date of the final decision or judgement.

189. Under section 35 (a) (2) the youth committee may in exceptional cases fix a longer time-limit than one year if the circumstances on which the decision is based are expected - with a high degree of certainty - to continue beyond that period and if it serves the best interests of the child to prolong the time-limit. It may also be decided to fix a shorter period for the review of the case.

VII. BASIC HEALTH AND WELFARE

A. Survival and development (art. 6, para. 2) and health and health services (art. 24)

190. The health service in Denmark is a field which is subject to public regulation and nearly exclusively publicly financed. The public financing comes from the general tax revenue. It is also a characteristic feature of the Danish health service that the direct management, financing and operation have been delegated to decentralized, politically elected bodies, viz. county councils and municipal councils, and that they may - within a rather broad framework - lay down priorities in accordance with local preferences and needs.

191. The county authorities are responsible for offering citizens treatment in the health sector and other health services (general practitioners, specialists, dentists, medicine, physiotherapy, chiropractic treatment and chiropody). The county authorities also offer preventive services in the form of examinations of expectant mothers and obstetric aid, prophylactic medical examinations of pre-school children and vaccination of children against a number of diseases. The municipal authorities are responsible for such services as home nursing care, health services for children, school doctors and dental services for children.

192. In such a decentralized health service the principal task of the Government and the central health authorities - the Ministry of Health and the National Board of Health - is to lay down the framework which is to be filled in by the decentralized health services. The central authorities must thus ensure that the services offered by the county and municipal authorities are in accordance with the central health policy objectives as laid down by the Government and the Folketing. A central government management is also necessary as regards the overall economic framework for the activities of the local authorities with due consideration to the development in the national economy.

193. Most of the health services offered to the citizens by the county and municipal authorities are free of charge. All hospital treatment and all municipal health services are free of charge for the users. The same applies to treatment offered by general practitioners and specialists. As regards other services under the public health system, patients pay a certain share of the costs; this applies, for instance, to medicine prescribed for use outside the hospitals, dental treatment, physiotherapy, chiropractic treatment and chiropody.

194. All persons with their residence in Denmark, and thus also children, have a right to the services mentioned above. As regards the public health system,

all citizens are members of either national health group-1 or group-2. The majority of the population (96.4 per cent in 1991) choose to become members of group-1.

195. Group-1 members are attached to a specific general practitioner whom they may consult without having to pay any fee themselves. If group-1 members require specialist treatment, they must obtain a reference for such treatment from their general practitioner in order to obtain free specialist treatment. If they have no such reference and nevertheless seek such treatment, they must themselves pay the whole amount of the fee; the same also applies if group-1 members consult another general practitioner than the one to whom they are attached.

196. Group-2 members may consult any general practitioner they may choose and they may also consult a specialist without first having to obtain a reference. Group-2 members pay a share of the doctor's fee. Group-2 members receive a contribution corresponding to the amount paid by the national health service for treatment of a group-1 member.

197. The national health service pays a contribution to medicine prescribed by a doctor or a dentist if the medicine is on the list of medicine drawn up by the Ministry of Health. The contributions are in the form of a fixed amount corresponding to, respectively, 75 per cent, 50 per cent or 100 per cent of the average of the price of the two cheapest drugs of the type concerned. The national health service also pays a contribution to certain types of dental treatment, physiotherapy and, to a certain limited extent, chiropody.

198. The general practitioners also refer patients for hospital treatment, whether as out-patients or hospitalized. The individual patient may choose which hospital he wants to be treated at, subject to the requirement that it must be considered necessary for medical reasons if the person concerned is to be treated at a hospital ward which serves a region or the whole country. Emergency hospital treatment, for instance in connection with accidents, takes place without any reference.

199. In connection with pregnancy the municipality where the woman is residing offers prophylactic health examinations by, respectively, a doctor and a midwife. The woman is entitled to up to five prophylactic examinations by a doctor. The number of examinations by the midwife has been fixed at not less than five.

200. As regards children residing in the municipality who are under the age of compulsory education and who do not attend school or nursery class, the municipal authorities offer free consultation and assistance in relation to their health.

201. Shortly after the mother and the baby are discharged from the maternity ward the family is paid a visit by a visiting nurse and these visits continue during the first year after the birth, according to the needs of the family. The aim of the visits is to check the health and development of the baby. The parents are further offered guidance as to the physical and psychological development of the child. The visiting nurse scheme has been organized with a view to benefiting especially children with specific needs.

202. In addition to the visits of these nurses, free prophylactic examinations by the general practitioner are also offered.

203. Children under the age of compulsory education, i.e. under the age of seven years, are entitled to up to eight prophylactic examinations by a general practitioner. In connection with these examinations guidance is given about the physical and psychological development of the child, and for instance its diet and stimulation. If the general practitioner diagnoses any dysfunction in its development, or impairments in its vision or hearing or other impairments, the child will be referred to treatment under the national health service system. In connection with the regular examinations by the general practitioner vaccination is offered against polio, diphtheria, tetanus, whooping cough, measles, mumps and German measles.

204. When the child goes to school or is attending nursery class these prophylactic examinations are taken over by the school health service. The school health service checks the physical and psychological development by examinations carried out by a school nurse and a school doctor. If such a check shows that a child needs medical treatment, such treatment will be carried out by the general practitioner.

205. Children under the age of 18 years have a right to free, regular examinations and offers of dental care. Examinations and treatment take place at municipal dental clinics or at the offices of dentists in private practice under a contract with the municipal authorities.

206. The municipal authorities also have a duty to offer home nursing to all persons residing in the municipality who have been referred to home nursing either by their general practitioner or by a hospital.

207. As regards the rites mentioned in article 24, paragraph 3, of the Convention which may harm the health of children, it can be mentioned that the Danish health authorities are not informed of any cases of circumcision of women performed by Danish doctors. The National Health Authority in 1992 made inquiries with a number of doctors who have stated that they have not come across girls who have been subjected to such operations. It is the position of the Danish authorities that there is never any medical indication for circumcision of women. Such operations must be considered to be mutilating and performance hereof will be considered a criminal offence.

208. Circumcision of boys is not considered to be harmful to their health and may in certain cases be medically indicated. Circumcision of boys probably takes place in Denmark, for religious and cultural reasons. The Danish authorities are not informed of the performance in Denmark of any other traditional rites which may be harmful to children.

B. Disabled children (art. 23)

209. In Denmark the main principle is that children with a physical or mental handicap should live as close to a normal life as possible. To the extent that this is possible disabled children are therefore integrated in the ordinary day-care institutions and schools run by the municipal authorities.

210. If the child has a serious physical or mental handicap which requires special support, treatment, etc. which may not be adequately taken care of in the ordinary day-care institutions, the county authorities will establish and run the required number of places in special day-care institutions for children and young persons.

211. Under the Social Assistance Act financial assistance may be given towards the additional costs in connection with supporting a disabled child in the home. Persons who are supporting and taking care of a child under the age of 18 years with a physical or mental handicap have a right to coverage of the necessary additional costs which follow from the handicap. The aim of such financial assistance is to make it possible for children with a handicap to stay in their own home and to make it possible for the family to live a family life as close to normal as possible in spite of - and with - the handicap and thus avoid placement of the child in an institution.

212. The financial assistance is given to children with a permanent handicap, irrespective of whether it may be cured or not. It covers children with serious physical or mental handicaps and with long-term illnesses - the time-limit being about one year. In some cases financial assistance may also be offered in connection with short-term diseases. The assistance is not means-tested and is not liable to tax. In 1992 about 62,000 families received financial assistance under these rules. The amount of the assistance is determined on the basis of an evaluation of the additional costs in each individual case.

213. The additional costs may, for instance, be for a special diet, transportation, clothing, medicine, increased housing costs due to the child's handicap, special toys or other costs in connection with leisure-time activities. Furthermore, the parents and other relatives may receive reimbursement of additional costs in connection with participation in handicap-related courses, for instance in sign language.

214. The parents are also entitled to full or partial compensation for loss of earnings in cases where the child is taken care of in the home as a necessary consequence of the handicap. It is a condition that the supporter must give up employment, in full or in part, to take care of the child in the home. It is, however, also possible to obtain a subsidy to cover loss of earnings for some hours a day or a week.

215. Furthermore, it is possible for the family to obtain assistance in the form of a subsidy to privately engaged help. The main rule is, however, that the use of the rules laid down in the Social Assistance Act on day-care facilities and home help should be given preference. Financial assistance may also be given for special aids and to the design of or changes in the home.

216. Assistance for medical treatment is given under the National Health Act. Financial assistance to cover any part of the parents' share of the costs of medical treatment, dental treatment, etc. may be granted under the Social Assistance Act if the parents are without means to pay such costs.

217. The municipal authorities have a duty to offer guidance and assistance to families. In the case of families with a disabled child the municipal

authorities may call in specialists from the social centres of the county, from regional or national institutions for persons with serious handicaps or seek the assistance of the special national consultants.

C. Social security and child-care services and facilities (art. 26 and art. 18, para. 3) and standard of living (art. 27, paras. 1-3)

218. Children and families with children are given public support, both in the form of direct financial assistance and services in the form of day-care facilities for children.

219. As a general scheme financial support is given to all children under the age of 18 years under the Act on child benefit subject to certain conditions such as the child having its residence in this country, one of the parents being fully liable to taxation in Denmark and the child not having entered into marriage and not being supported out of public funds. The child benefit is tax free and is paid irrespective of the income of the parents. The Act has been issued by the Ministry for Fiscal Affairs and is administered by the tax authorities and the social authorities.

220. The child benefit is normally paid automatically to the mother of the child or to the person having custody of the child. If considered to be in the best interests of the child, the municipal authorities may decide that the benefit is to be paid directly to the child itself.

221. The amount of the child benefit is highest for children in the age group 0-6 years and is, as at 1 July 1993, DKr 8,000 per year, while it amounts to DKr 6,000 per year for children in the age group 7-17 years. The costs in connection with the child benefit scheme are paid by the State and amount to more than DKr 6 billion per year.

222. To certain groups of children under the age of 18 years a child allowance may be granted under the Act on child benefits and advance payment of maintenance payments to children. There are three types of child allowance, ordinary child allowance, extra child allowance and special child allowance; an allowance is made to families with more than one child and a special adoption allowance is also paid. Child allowances, etc. are paid irrespective of income.

223. The general conditions for qualifying for child allowances are that the child or the parent who has custody of the child is a Danish citizen, that the child has its residence in Denmark, that the child is not married, that the child is not supported by public authorities, and that the person to whom the allowance is paid has his/her residence in this country. However, foreigners also have a right to receive a child allowance if the child or the parent having custody of the child has had permanent residence in this country for at least one year (as regards the special child allowance, the requirement is three years). The requirement of Danish citizenship does not apply to foreigners who have been given a residence permit in Denmark under the provisions concerning refugees under the Aliens' Act.

224. The ordinary child allowance is paid to children of lone supporters and children whose parents are both pensioners. As at 1 July 1993 the allowance amounts to DKr 4,348 per child per year.

225. The extra child allowance is granted where one of the parents has custody of one or several children and the child/children are living with that parent and the parent receives an ordinary child allowance as a lone supporter. Only one extra child allowance is paid irrespective of the number of children. As from 1 July 1993 the allowance is DKr 3,320 per year.

226. The special child allowance is granted according to two rates. The highest rate (DKr 16,668 per year) is paid if both parents are dead. The lowest rate (DKr 8,340) is paid if paternity has not been established or if only one of the parents is alive, etc.

227. The child allowance for several children is paid in the case of the birth of more than one child, for instance twins. An allowance is paid for each child until the children attain the age of seven years. As at 1 July 1993 the amount of this allowance was DKr 5,372 per year.

228. The adoption allowance is paid to parents who adopt a foreign child through one of the three State-authorized adoption organizations (cf. above under chapter VI G). The allowance is a lump sum granted as a contribution to the costs in connection with the adoption. As at 1 July 1993 the adoption allowance is DKr 30,960.

229. The Act on child allowances and advance maintenance payments to children is administered by the municipal authorities. The child allowances are paid in advance in the form of quarterly payments to the mother or to the person having custody of the child. However, the municipal council may decide that the allowance is to be paid to another person or to the child itself if this is considered to be in the best interests of the child.

230. The special child allowance and the allowance for several children are paid automatically as soon as the municipal authorities have been informed that the conditions for qualifying are satisfied. The ordinary child allowance, the extra child allowance and the adoption allowance are paid on application.

231. If the parents of a child are not cohabiting, the parent with whom the child does not live must normally pay maintenance to the other parent for the support of the child. If the maintenance payment is not paid in due time, the person entitled to the maintenance payment may on application receive advance payment of the maintenance payment from the social authorities. The municipal authorities then recover the amount from the person liable to pay maintenance.

232. The conditions for obtaining advance payment of maintenance payments for a child are the same as those applying to the special child allowance. However, it is not possible to obtain advance payment if the person entitled has his/her residence abroad. The costs of these payments are covered by the State and amount to just over DKr 1.5 billion per year.

233. Public day-care facilities for children play a very important role for Danish families with children. Instead of higher financial support to the parents, the emphasis in the family and child policy has over the years been on an extension of services to the parents in the form of child-care facilities. The reason why a high priority has been given to increasing the number of places in child-care institutions is probably connected with the very high activity rates of both men and women in Denmark. The objective has also been to make it possible for lone supporters to maintain their attachment to the labour market. The publicly financed child-care facilities in Denmark are of a very high standard and most Danish parents prefer public offers in this field in preference to private arrangements.

234. As grandparents are also economically active today, parents who have not obtained a place in a public day-care institution will typically place the child in a private home on the basis of a private agreement.

235. Public day-care offers are established and run under the Social Assistance Act. Day-care facilities are established by the individual municipalities which are also in charge of the control and inspection of these facilities and this makes it possible to tailor day-care facilities to local needs. The day-care facilities are also financed by the municipal authorities. The day-care facilities are set up in the form of child care in private homes, municipal institutions or independent institutions and pool arrangements under a contract with the municipal authorities.

236. The day-care facilities are intended for children and young persons in the age group 0-17 years. According to the preamble of the Act, these facilities form an element of the municipality's general and preventive offers to children. In cooperation with the parents and the children themselves their aim is to create a framework which will promote the development, well-being and independence of the children. The day-care services thus offer not only care of children, but also serve the role of social, preventive and educational offers to children.

237. Day-care offers include municipal day care (primarily the age group 0-2 years), nurseries (0-2 years), kindergartens (3-6 years), age-integrated institutions (typically 0-6 years) and youth centres (7-10/14 years). The development today goes in the direction of integrated institutions for children in the age group 0-6 years. In addition, there are a number of leisure-time and youth clubs (typically for the 11-17 year-olds). There are also play-groups (3-6 year-olds). Furthermore, it is possible within the framework of the public schools to establish leisure-time arrangements for schoolchildren (mainly the 6-10 year-olds). As at January 1992 there were nearly 415,000 places in public day-care offers.

238. In Denmark more than half of the children in the age group 6 months (i.e. from the expiry of the period of maternity leave) to 10 years have a place in public day care. Among the youngest (6 months-2 years), 59 per cent have a place, while 75 per cent of the children in the age group 3-6 years have a place. As regards the 7-14 year-olds, nearly 19 per cent have a place in a public day care, including within the framework of the schools.

239. As a main rule, the parents pay a maximum rate of 30 per cent of the operational costs in connection with the use of public day-care under the social legislation. However, the municipal authorities may reduce the share paid by parents by means of municipal subsidies. If parents have more than one child in a public day-care institution, their payment is reduced by one third for each child. Furthermore, exemption - in full or in part - may be granted from payment for day-care depending upon the taxable income of the parents. Furthermore, free places may be granted if special social or educational circumstances exist for placing a child in public day-care.

240. As regards places in leisure-time and youth clubs, the parents typically pay 20 per cent of the operational costs and half of the costs of materials, etc. for hobby activities and the full cost of meals. As regards payment for leisure-time arrangements in schools, no rules have been fixed at the central level concerning the costs to be covered by the parents. However, the provisions mentioned above concerning the special abatement of one third for parents with more than one child applies also to children who attend a leisure-time activity at school and free places may be granted, in full or in part, to children attending a leisure-time scheme if decided by the municipal council.

241. The total operational costs of day-care amount to more than DKr 16 billion per year (including leisure-time activities at school). The municipal authorities pay more than 70 per cent of these costs.

242. In Denmark there is a tradition of close cooperation between parents and educators, both in relation to the individual child and the daily activities in the day care. Much of this cooperation takes place informally through daily contact between parents and educators, while in the case of municipal institutions parents are given formal influence on the conditions in their child's day-care institution through a board with a majority of parents. The members of the staff are also represented on these boards. Within the municipal day-care arrangements in private homes the municipal authorities may take the initiative to set up similar boards where the parents are represented.

243. Since Denmark's ratification of the Convention on the Rights of the Child in August 1991 parents' share of the costs has been reduced from 35 per cent to 32 per cent and as from 1 January 1992 from 32 to 30 per cent. Furthermore, the Folketing has passed the Act on boards with representation of parents in municipal day-care institutions and municipal child-care arrangements.

244. In the coming years the major challenge will probably be to reduce the waiting list for public day-care which, at January 1992, included nearly 35,000 children, of which 31,000 were in the age group 0-6 years. There are many signs indicating that the lists are getting even longer. A reduction in the size of the waiting list will probably take place by increasing the offer of places through, for instance, restructuring and establishment of additional places, but also by initiatives to cut down the demand for places, for instance by improving existing maternity and parental leave schemes.

VIII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

A. Education, including vocational training and guidance (art. 28), and aims of education (art. 29)

245. Under the Danish Constitution, all children of school age have a right to free education in the Folkeskole (primary schools). It has been left to other legislation to lay down detailed provisions for the Folkeskole, for compulsory education, and for the age of compulsory education. These concepts are defined in detail in the Education (Folkeskole) Act.

246. It follows from the Constitution and the Education (Folkeskole) Act that children of school age have an obligation to receive instruction; however, it is not compulsory to attend the Folkeskole in order to receive instruction. Thus, compulsory education may be fulfilled through instruction in the Folkeskole (about 90 per cent of the pupils), in a private school (about 10 per cent of the pupils) or as instruction in the pupil's home, which rarely occurs.

247. Parents or guardians who take care themselves of providing the children with education that measures up to the general requirements of the Folkeskole are thus not under obligation to have the children instructed in the Folkeskole. The individual municipal council supervises all private instruction which, like the instruction in private schools, has to measure up to the instruction in the Folkeskole.

248. Compulsory education commences on 1 August of the year of the child's seventh birthday and ends on 31 July after the child has received regular education for a period of nine years. Compulsory education ends, however, at the latest on 31 July of the year of the child's seventeenth birthday, or upon completion of primary school or equivalent education.

249. The responsibility for the education sector in Denmark rests with the State, the county authorities, the municipalities and private individuals and institutions.

250. The Folkeskole, i.e. pre-school classes, and schools providing primary education (1st-9th forms) and lower secondary education (10th form) are run by the municipalities, but education at Folkeskole level is also provided by private schools, etc. which, as mentioned, cover some 10 per cent of the number of pupils.

251. Gymnasia (upper secondary schools) and HF-courses (courses leading to the Higher Preparatory Examination) mainly fall under the competence of the county authorities. Teacher training colleges, home economics teacher training colleges, child welfare teacher training colleges and needlework teacher training colleges are either private, self-governing institutions or run by the State. Universities and other institutions for further and higher education are mainly government institutions. Folk high schools, agricultural schools, continuation schools and home economics schools are private institutions. The State subsidizes both private schools and self-governing institutions.

252. The Folketing has the legislative powers to lay down the provisions for the aims of the various types of education and the contents and the administration thereof. In addition, the Folketing determines to a wide extent, the public funds to be made available for the specific types of education.

253. Within the framework laid down by legislation, the Ministry of Education has the main responsibility for the education sector. The Ministry controls the education system by way of more detailed regulations in the form of ministerial orders and departmental circulars and the like together with the issuing of concrete official orders and recommendations, guidelines and allocation of annual appropriations if the size of the appropriations does not follow from legislation.

254. The county authorities are responsible for all educational activities in the county institutions - mainly the gymnasia - single-subject examination courses for adults, extensive special education and education of adult immigrants. Responsibility for the municipal schools rests with the municipal councils. Vocational training for young people aged 16-19 years and all further and higher education fall under the competence of the Ministry of Education.

255. The aim of the Folkeskole is - in cooperation with parents - to give pupils a possibility of acquiring knowledge, skills, working methods, and ways of expressing themselves which will contribute to the all-round and personal development of the individual pupil. In all its work, the Folkeskole must try to create possibilities for experience, an active mind and preoccupation, thus enabling pupils to enhance their desire to learn, expand their imagination, and develop their ability to form independent assessments, evaluations, and opinions. The Folkeskole prepares pupils for participation in decision-making, for sharing responsibility for the solution of problems, for rights and obligations in a free and democratic society. Thus, teaching and the entire daily life in school must be based on intellectual liberty, equality and democracy.

256. Most children begin school in pre-school classes for children between the ages of five and six years. The municipal authorities have a duty to establish pre-school classes, but they are not compulsory for the children.

257. In principle, the Folkeskole education is comprehensive and the pupils stay together, as far as possible, as a class throughout their entire school career. After the 7th form, a pupil may meet the compulsory education requirement by attending courses in continuation schools, home economics schools, or youth boarding schools, which offer education equivalent to that of the Folkeskole. In addition, compulsory education may be completed by participation in vocational training or employment if this is considered to be in the best interests of the pupil for specific reasons.

258. The county authorities have a duty to provide special education for children whose development requires particular, extensive consideration or support. This education may take place in an ordinary Folkeskole or in special schools belonging to the county, etc.

259. Non-Danish-speaking aliens have a right to be educated in their mother tongue and may also be offered specially tailored lessons in Danish.

260. All pupils and parents are to be regularly informed of the school's opinion of the pupils' performance at school. In the 8th, 9th and 10th forms, marks are given for general proficiency.

261. After the 9th form of the Folkeskole the pupils may take the General Certificate of Education Examination of the Folkeskole, and after the 10th form the Advanced General Certificate of Education Examination of the Folkeskole.

262. The aim of the youth schools is to provide further education for young persons between the ages of 14 and 18 years in the form of ordinary courses at Folkeskole level, offering preparation for examinations and specialized courses. It is thus possible for pupils to complete compulsory education after the 7th form of the Folkeskole by participating in full-time education at youth schools.

263. On completic of the 9th and 10th forms, various types of continuing education are open to the pupils, e.g. commercial and technical examination studies, agricultural education and training, social and health education courses, the gymnasium, which leads to the General Certificate of Secondary Education Leaving Examination (Studentereksamen), adult upper-secondary level courses (Studenterkursus), the Higher Preparatory Examination (Højere Forberedelseseksamen - HF), the Higher Commercial Examination (Højere Handelseksamen - HHX) and the Higher Technical Examination (Højere Teknisk Eksamen - HTX).

264. Pupils who want to go into vocational training on completion of the 9th and 10th forms may also seek admission to a commercial school or a technical school. Such training may also start with practical training in an enterprise. Pupils may enrol for the vocational training, the agricultural education and training or the fundamental agricultural training, which is provided in agricultural schools for 3½-year periods.

265. The gymnasium provides continued general education in continuation of the 9th form of the primary school and for a three-year period, which is a qualification in itself, leading to the Upper Secondary School Leaving Examination (Studentereksamen), as well as a preparation for higher education. The gymnasium is divided into two main lines, languages and mathematics, each of which offers the possibility of combining certain subjects. The optional subjects are provided at intermediate or advanced levels, and each pupil has to choose a minimum of two subjects at advanced level. According to the rules applicable in this respect, the leaving certificate gives access to universities and other institutes of higher education.

266. Adult upper-secondary level courses (Studenterkurser) are two-year courses, and pupils may be admitted one year after the completion of the compulsory education, at the earliest. Admission to the Higher Preparatory Examination (HF) requires the completion of the 10th form of the Folkeskole.

267. The Higher Commercial Examination and the Higher Technical Examination are theoretical three-year courses.

268. The Department for Primary and Lower Secondary Education (Folkeskole) of the Ministry of Education and Research have for many years taken an active part in international cooperation, which at the organizational level takes place primarily in the EC, the Council of Europe, the OECD and under Nordic auspices. Apart from direct contacts at conferences, seminars, workshops, etc. a continuous exchange of materials, reports, information on educational conditions, etc. takes place.

269. The Folkeskole has a long tradition of involvement in international affairs. Based on Danish civilization, with which they are familiar, the pupils are to develop a knowledge and understanding of other countries, their populations, language, way of living, culture and traditions. This is made possible through education in international topics in each individual subject, through the dominant position of foreign-language teaching and through the contacts between Danish pupils and teachers with children and adults in other countries. The rights of children and young persons fit naturally into these activities.

270. One of the results of the growing international contacts is of course the greater weight, for example, attached to international understanding in the broadest sense of the term also in foreign-language teaching. At the same time there are now far better possibilities than previously of working with both foreign and the student's own cultures in a way which the pupils of the Folkeskole find meaningful. Thus, language teaching also contributes to promoting the educational and personality-developing process in line with the rest of the subjects taught in the Folkeskole.

B. Leisure, recreation and cultural activities (art. 31)

271. Voluntary idealistic club activities in Denmark have long and deeply rooted traditions for leisure activities for children and young persons, and the organized part of children's and young person's leisure time often takes place within the framework of club activities, for example sports clubs and scouts associations. There are a vast number of organizations, national associations, etc. which are in charge of interests in this broad field of activities. In the field of leisure-time activities there are also a number of recreation centres, clubs and special youth schools that provide activities for children and young persons outside the framework of the Folkeskole.

272. In more general terms, culture, art and leisure-time activities are divided into a number of tasks and fields of action which, in the case of local activities, are handled by the county authorities and the municipalities, and, when it comes to the more fundamental tasks, by the State, especially the Ministry of Culture, the Ministry of Education and the Ministry of Social Affairs.

273. A special committee, the Working Group on Children and Culture, which is the ministerial adviser in all matters concerning children and culture, has been set up under the Ministry of Culture. The task of the committee is to follow the development in this particular field, to give advice on the need

for special efforts and to take special initiatives in order to encourage children and young persons' upbringing with participation in cultural life and arts.

274. In recent years, the working group has taken part in the establishment of a support scheme for children's and young persons' own cultural projects, the "Try on your own" scheme ("Prøv Selv"). In cooperation with the Ministerial Committee on Children the group has implemented a project, "Children as citizens" ("Børn som medborgere"), the aim of which is to allow children and young persons to participate in decision-making processes, to involve them in the life of the community and to give them a say in the organization of their everyday life. (For further details see Chapter II B above.)

275. At the moment, the working group forms part of an experiment which is to open up the established cultural institutions, e.g. museums, to children and young persons and it is also working with a strengthening of children's possibilities of taking part in musical activities in the form of music schools, arts and crafts schools, and drama schools. The working group has also published a great number of publications concerning children and young persons, culture, art and leisure.

276. With the adoption of the Act on Youth and Adult Education in 1991 children and young persons got a leisure-time Act which gives special priority to children and young persons; including in connection with the allocation of financial resources for leisure-time activities. The Act is of such recent date that it would be premature to assess its impact on the work with children and young persons.

277. Otherwise, it should be noted that the field of children's and young persons' cultural and leisure-time activities is characterized by a detailed division of labour between the State, the counties, the municipalities and club activities. Another characteristic feature is the large number of organizations, institutions and associations; the position and development of cultural and recreational activities among children and young persons in Denmark are deemed to be very satisfactory as regards both quality and quantity.

IX. SPECIAL PROTECTION MEASURES

A. Children in situations of emergency

1. Refugee children (art. 22)

278. Minors who upon their arrival in Denmark are accompanied by asylum-seeking parents or other adults who may be considered to have taken the place of the parents normally have their refugee status decided in the same manner as for the accompanying family. The question of asylum is thus dealt with in its totality under the rules of the Aliens Act in this field.

279. When a family has been recognized as refugees they will form part of an integration scheme for a period of up to 18 months. The Danish Government has entered into an agreement with the private humanitarian organization the Danish Refugee Council, which is in charge of this task on behalf of the

Government. The integration scheme under the Danish Refugee Council comprises temporary housing, financial support, personal counselling, Danish lessons and information about Danish society, the provision of housing and settlement assistance, educational and occupational planning together with assistance in the making of contacts with compatriots and local communities. After the first 18 months' integration programme, the municipalities will take over the responsibility for further integration work.

280. Refugee children and their parents enjoy the same rights as Danish citizens in relation to receipt of social benefits, including financial aid, counselling, etc.

281. Refugee children of school age are admitted to the Folkeskole immediately upon the transfer of the family to the Danish Refugee Council and education is provided according to special rules on the instruction of foreign-language-speaking children. To begin with, education generally takes place in special receiving classes, after which the children are placed in ordinary school classes. In addition to participating in the ordinary classes, instruction in their mother tongue must be offered to the children.

282. An increasing number of children enter the country without being accompanied by parents or other adult persons with whom the child has a personal relationship. According to preliminary estimates, 373 unaccompanied minors entered Denmark in 1992 and asked for asylum. Upon entry into the country, unaccompanied refugee children are placed in special refugee centres for children. Children's centres are staffed by personnel specially trained to be in charge of care-related tasks, educational activities and instruction of children. If a child has close relatives or friends in the country who wish to have it staying with them and who are capable of this, it may be placed there instead.

283. The actual consideration of the child's application for a residence permit depends to a high degree on the age and maturity of the child. In general, matters concerning unaccompanied refugee children are dealt with in advance in the aliens system for the purpose of shortening the period of waiting and the stay in the asylum centre to the widest possible degree. The older the child is, the better the possibility is of assessing whether the child has an independent basis for asylum; the younger the child is, the more difficult it is to assess whether such basis exists. Danish aliens authorities therefore follow the procedure that, if it is deemed not to be reasonable or proper to carry out an ordinary assessment of the case under the asylum law on the basis of the age of the minor compared with its maturity, the child will usually be given a residence permit within a short time with a view to permanent residence.

284. The normal procedure in connection with asylum cases is carried out where it must be assumed on the basis of a specific assessment, that the applicant is sufficiently mature that there would be no objection to subjecting the person concerned to a procedure and assessment under the asylum law. This will often be the case where the person concerned is over 15 years of age, but it may also, under special circumstances, be the case with asylum seekers under this age. This question is considered in each individual case, but asylum seekers aged between 16 and 17 years will generally be subjected to a

procedure and assessment under the asylum law. It is the age at the time of the entry into the country that is decisive; it is of no relevance that an asylum seeker attains the age of 18 years while the application for a residence permit is being considered. This procedure aims to ensure that persons under the age of 18 years who comply with the conditions for being granted asylum are formally recognized as refugees and obtain residence permits.

285. If it is decided that the normal procedure for asylum cases is to be followed, an in-depth interview will take place with the minor asylum seeker as part of this procedure.

286. In 1991, a scheme was implemented according to which staff, primarily from the Danish Red Cross central asylum department, are present as a sort of observer in connection with the asylum interview of the unaccompanied refugee children. In the near future, a compulsory observer scheme will be introduced, according to which the presence of an observer will be required in all cases where an unaccompanied asylum seeker under the age of 18 years is to be interviewed for the purpose of considering an application for a residence permit. This will also apply to all preliminary registration interviews.

287. Unaccompanied asylum seekers under the age of 18 years who are refused asylum may be given a residence permit on another basis, and in the spring of 1993 a special procedure was introduced with the aim of ensuring that these children are not placed in a real emergency situation in the event that they do not obtain a residence permit in Denmark. This evaluation has to take into account whether the situation concerned differs materially from that of other persons of the same age in the native country of the person concerned.

288. According to this practice, a residence permit is issued if the parents of a child are dead or in prison and there is otherwise no stable family or any other social network for the person concerned in case of repatriation.

289. Additionally, acts of war or similar disturbances in the native country of the person concerned or former country of residence may result in the issuing of a residence permit. This will apply where conditions as a consequence of the acts of war or disturbances must be deemed very uncertain and where there will be a substantial risk that the person concerned would be placed in a real emergency situation in case of repatriation.

290. Also, the fact that a person under the age of 18 years needs special care and assistance due to illness could result in the issuing of a residence permit. In this connection, it is important to determine whether the person concerned will be able to obtain the necessary care in his native country.

291. Children who obtain a residence permit under this special procedure are also offered the 18-month integration scheme handled by the Danish Refugee Council. Even before the residence conditions of the child have been finally clarified, the Danish Red Cross, which runs the children's asylum centres, will examine the child's situation and, as far as possible, arrange the child's subsequent permanent place of residence in cooperation with the Danish Refugee Council.

292. If the child has close relatives in Denmark who wish to and who are capable of accommodating the child, it will be placed there. If the child does not have any close relatives in Denmark, or if they have no possibilities of having the child staying with them, the child might be placed in family care. The child may also be placed in independent housing, a youth pension, a boarding school or continuation school, or perhaps one of the special accommodation arrangements developed for unaccompanied children.

293. Thus, children's houses have been established to accommodate six or eight children of the same nationality. The children's houses are situated in a local community with a rather large number of adults of the child's nationality, and the staff comprise several adults of the same language and cultural background as the children.

294. Most unaccompanied refugee children in Denmark have parents in their native country. Many of the children have contacts with their parents but the contact is often of such a character that the parents have no real possibility of performing the duties which, in Denmark, would rest with the persons having custody. During the 18-month integration period it is, in practice, the Danish Refugee Council which takes care of the child and makes decisions on the child's personal and financial matters. Normally, the activities in connection with the child are carried out in cooperation with the municipal authorities. After these 18 months, the municipality in which the child stays will take over the supervision of the child. The extent and form of supervision and support depend, to a high degree, on the kind of placement provided for the child.

295. Under the Aliens Act, deprivation of the liberty of an asylum seeker may take place if there is reasonable doubt about his/her identity. The deprivation of liberty shall be brought before the courts by the aliens authorities within three days of the initiation of the deprivation of liberty.

296. When a minor asylum seeker gets in contact with the police in connection with its entry or its application for asylum, it will typically be able to identify the child satisfactorily. As regards asylum seekers who state to be between the age of 15 and 17 years and who are unidentified, a concrete evaluation takes place in order to find out whether the person concerned is quite obviously older than stated. Irrespective of whether any doubt arises as to the age of the alien, the police will not require any deprivation of liberty.

297. Although deprivation of liberty of minor asylum seekers does not normally take place, instructions will be issued in the near future to ensure the legal status of aliens in this age group in general; they will contain guidelines for the police in respect of deprivation of the liberty of these persons: deprivation of the liberty of aliens under the age of 18 years may take place only in the case of quite exceptional circumstances. By way of example, quite exceptional circumstances necessitating deprivation of liberty would be an alien under the age of 18 years who after a prolonged period of illicit stay in the country is to be deported in consequence thereof and where deprivation of liberty, upon concrete evaluation, would be necessary for the enforcement of the deportation, irrespective of the age of the person concerned.

2. Children in armed conflicts (art. 38), including physical and psychological recovery and social reintegration (art. 39)

298. Denmark has joined a number of international conventions on the protection of the civilian population in the case of armed conflicts in Denmark, including the protection of children. One of the most important conventions is the Geneva Convention relating to the Protection of Civilian Persons in Time of War of 12 August 1949 (Fourth Geneva Convention), Additional Protocol I of 1977 to the Geneva Conventions, relating to the Protection of Victims of International Armed Conflicts, and Additional Protocol II of 1977 to the Geneva Conventions relating to the Protection of Victims of Non-International Armed Conflicts.

299. The Fourth Geneva Convention contains rules on child care, including regulations on the treatment of children who have lost their parents on account of war; the Convention also provides for establishing infirmary and security zones and premises to protect, for instance, children under the age of 15 years and mothers with children under the age of 7 years, and for the parties to a conflict to make local agreements for the evacuation of children, among others, from besieged or surrounded areas. Furthermore, it is prescribed that, as regards children the occupying Power, in cooperation with national and local authorities, is to assist in the work of all institutions engaged in the care and education of children. The occupying Power is to take all necessary measures to facilitate the identification of children and the registration of their origin. However, it may under no circumstances change children's personal status, nor register them compulsorily in any institution, organization, etc. controlled by the occupying Power.

300. As far as children's participation in armed conflicts is concerned, it follows from Additional Protocol I that the belligerents are to take all necessary measures to ensure that children under the age of 15 years do not take a direct part in hostilities. Under the Additional Protocol, children under the age of 15 years may not be recruited for the armed forces.

301. Under the Danish Constitution, every male person able to bear arms shall be liable with his person to contribute to the defence of his country. Under the National Service Act, the examination of men liable for military service is a condition for being called up for military service. By law, male persons liable for military service have to present themselves before a draft board in the year of their eighteenth birthday, unless the Minister for the Interior decides that the obligation to appear shall be at a later date. The starting point is that liability to compulsory military service affects only persons who have attained the age of 18 years. It follows from the National Service Act, however, that male persons liable for military service, who have a reasonable interest in doing so, may enlist from the year in which they attain the age of 18 years; 17 year-old persons may only enlist with the consent of their guardian.

302. After the examination, the conscript may be called up for military service. It is the practice for conscripts who have come up before a draft board in the first half of any calendar year to be called up during the first half of the following year, whereas conscripts who have come up before a draft board in the second half of the year are called up during the second half of

the following year. Those who come up before a draft board at the age of 17 years will thus, in general, not be called up until they have attained the age of 18 years.

303. Conscripts may, however, enter into an agreement for voluntary performance of the military service. Where circumstances otherwise permit, the agreement may be to the effect that conscripts are called up at an earlier date than that mentioned above, thus making it possible for them to perform military service before attaining the age of 18 years. It should be observed that in such cases the national defence does not aim at selecting older rather than younger conscripts, as the purpose of agreed compulsory service is, to the widest extent possible, to meet the wishes of the conscript, including that of being called up at an early age.

304. In addition to agreed compulsory service, persons under the age of 18 years may discharge service in the armed forces by entering into a contract for training as a private soldier with the regulars. Contracts with regulars are made on the basis of qualifications and age, and it is mainly persons who have attained the age of 18 years - or who are as close to this age as possible - who are employed, consideration being had to recruitment and demand. As the main rule, only persons between the ages of 17 and 26 years are employed.

B. Children in conflict with the law

1. The administration of juvenile justice (art. 40)

305. By way of introduction, it should be observed that Denmark has made a reservation as far as article 40 (2) (b) (v) of the Convention is concerned. This is due to the fact that under existing Danish law, there is no access to appeal against the question of guilt by way of an appeal against cases tried by a jury. Cases tried by a jury are, inter alia, criminal cases where the sanction may be imprisonment for a term of four years or more, in so far as no concurrent sentence is involved in respect of more offences which are not tried at the same time. The cases are tried in the first instance in the high courts, unlike other criminal cases which are tried in the city courts as courts of first instance. The possibility of bringing an appeal is restricted also in minor, less serious cases. Thus the convicted person can only appeal against a judgement made by a city court if the person concerned has appeared during the proceedings and has been given a sentence of more than 20 daily fines, or a fine in the amount of DKr 3,000 or more, or confiscation of objects of an equivalent value, or if other public law sentences have been imposed upon him.

306. The general rules of criminal procedure are found in volume IV of the Administration of Justice Act (cf. (Consolidated) Act No. 905 of 10 November 1992). These rules apply - unless there are special exemptions - to children between the ages of 15 and 17 years. Under section 15 of the Criminal Code, acts committed by children under the age of 15 years are not punishable (cf. chapter III).

307. The prohibition against penalties for acts which did not constitute a criminal offence at the time when they were committed is a fundamental

principle of Danish law. The principle follows from section 1 (1) of the Criminal Code (cf. section 3 thereof). Denmark has by statute incorporated the European Convention on Human Rights in Danish legislation. Article 7 of that Convention contains an entirely identical prohibition against penalties for acts which did not constitute a criminal offence at the time when they were committed. Article 7 of the European Convention on Human Rights is thus a part of Danish legislation.

308. The rule of in dubio pro reo (the rule that the guilt of the accused has to be proved to such an extent that there shall be no reasonable doubt in that respect) is - and has always been - a fundamental principle of Danish law. This is also the principle on which the provisions of the Administration of Justice Act regarding the hearing of criminal cases are based, including the provisions regarding the production of evidence and the deliberations of the court. This principle has now also been fixed by statute through the incorporation into Danish law of the European Convention on Human Rights (see art. 6, para. 2 thereof).

309. Where a person is suspected of a crime, the suspect shall be informed of the charge when being interrogated, and that he is not under duty to make any statements (cf. section 752 (1) of the Administration of Justice Act). This also applies to charges against children between the ages of 15 and 17 years. The principle that the child shall be informed promptly and directly of the nature and the cause of the charge has now also been fixed by statute through the incorporation of the European Convention on Human Rights (see art. 6, para. 3 (a)-(c) thereof).

310. Under the Administration of Justice Act, the Minister may lay down rules as regards the cases in which a municipal council is to be informed of and have access to be present in connection with the interrogation of a suspect under the age of 18 years. It follows from the rules laid down that the police are to inform the municipal council if a suspect under the age of 18 years is to be interrogated and the charge concerns an infringement of the civil penal code or any other offence which by law may result in deprivation of liberty. Notification of the interrogation may, however, be omitted if the interrogation is made in direct connection with the suspect being met by the police during - or in immediate connection with - the commission of an offence for which there will be no more severe punishment than a fine. In addition, it is laid down, as stated above, that a representative of the municipal council shall, as far as possible, be given access to be present, at the interrogation, which is made by the police or in court.

311. Under section 730 of the Administration of Justice Act any person who is charged with a criminal offence shall have the right to select a defence counsel to assist him. If the person concerned is under the age of 18 years, the guardian, who is always entitled to act on behalf of the minor, shall be entitled to make such selection.

312. Under the rules of section 731 of the Administration of Justice Act, a public defence counsel will be assigned to the person charged in a number of specified cases if the person concerned has not himself appointed a defence counsel. According to these rules, a defence counsel is to

be appointed if the sanction is deemed to be more severe than a fine or mitigated imprisonment. Assignment of a public defence counsel implies that the treasury pays the fee of the defence counsel; however, the person charged has an obligation subsequently to reimburse the costs if he is found guilty.

313. The principle of the independence of the courts is laid down in section 64 of the Constitution. The procedure to be followed in criminal cases is laid down in the Administration of Justice Act. As regards the presence of a legal adviser, reference is made to what is stated above.

314. The demand that proceedings shall be decided without delay is a fundamental principle of Danish law. It follows from the Administration of Justice Act, inter alia, that public prosecutors are to proceed with any case with the speed permitted by the nature of the case, and that the court is to see to it that proceedings are not unduly prolonged. This principle has now also been fixed by statute through the incorporation of the European Convention on Human Rights (cf. art. 6, para. 1 thereof).

315. It follows from the Administration of Justice Act that a person charged is under no obligation to make statements to the police and that the police are to inform the person charged thereof. This also applies to court examinations. In addition, it follows from section 836 of the Administration of Justice Act that the person charged is entitled to call and hear his own witnesses.

316. The right to have the assistance of an interpreter is laid down in the Administration of Justice Act and the fee of the interpreter in connection with the hearing of criminal cases is to be paid by the treasury. The person charged thus has the free assistance of an interpreter, even if he is convicted.

317. In criminal cases the court may decide that court meetings are to be held in camera if the person charged is under the age of 18 years. This possibility ensures special protection of the privacy of the young person. In certain cases which imply a sexual offence, the case will be held in camera when the victim makes statements, if the person concerned so requests.

318. A confidential examination of the matters relating to the person concerned is necessary in order to be able to take such measures concerning the juvenile offender as are best suited to prevent further offences and to ensure the best treatment for the young person. Under the Administration of Justice Act, any information about the matters relating to the person charged that must be deemed to be of importance to the decision of the case regarding the fixing of the sentence or the use of another sanction must be provided. Such an examination generally has to be made when it may be a question of a suspended sentence or withdrawing a charge. (These last measures are often used in connection with juvenile offenders.)

319. If the person charged does not consent to information being provided about his personal situation, this may only take place if the court finds it of essential importance to the decision of the case. The regard for the privacy of the young person forms part of the decision whether a personal examination is to be initiated in spite of the young person's resistance.

320. The person charged is to be subjected to a mental examination if this is found to be of importance for the decision of the case. If the person charged does not consent, such an examination may only take place in pursuance of the court's decision.

321. Under section 722 (1), no. 3 of the Administration of Justice Act, there is special provision for withdrawal of the charge under specified conditions if the person charged was under the age of 18 years at the time of the offence. Such conditions may imply, for instance, that special measures are undertaken under the Social Assistance Act.

322. The assistance measures, which are to be determined in cooperation with the parents of the young person, could be counselling and guidance for the parents, for example. The measures may also be in the form of recommendations or orders being given to the parents concerning the care, school attendance or education of the young person. A personal adviser may be assigned to a young person who wants counselling and guidance beyond the fundamental support that parents are to children. The conditions for such measures must be approved by the court.

323. As an experiment, a youth contract scheme has been initiated under which offenders aged between 15 and 17 years commit themselves, with the consent of the parents, to participate in certain specified and listed activities, etc. in exchange for the prosecution refraining from further proceedings and so that the offence will not be registered in the young person's criminal record. These activities may be, for example, the commencement of an educational course or participation in various kinds of youth centres, clubs or associations.

2. Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings (art. 37 (b), (c) and (d)

324. Under section 71 of the Constitution, personal liberty shall be inviolable. Any person who is taken into custody shall be brought before a judge within 24 hours, who shall decide, as soon as possible and within three days at the latest, whether the person taken into custody shall be remanded in custody or released. The Constitution provides, however, that no person shall be remanded in custody for an offence which may involve only punishment by a fine or mitigated imprisonment.

325. As mentioned above, children under the age of 15 years may not be deprived of their liberty under criminal procedure. Recourse to remanding in custody is otherwise regulated by Part 70 of the Administration of Justice Act. A person may be remanded in custody where there are reasonable grounds for suspecting that he has committed an offence subject to public prosecution, in case such offence is punishable under the law by imprisonment for a term of one year and six months. In addition to this, there must be specific grounds for presuming that he will evade prosecution or, if at liberty, he will commit another offence or, if at liberty, he will obstruct prosecution in the matter, especially by the removal of evidence or by influencing other persons. A

person may likewise be remanded in custody where there is a strong suspicion that the person has committed a serious crime or a crime of violence of a certain gross nature.

326. As regards juvenile offenders where the conditions of remanding in custody are satisfied, the court may, with the consent of the person charged, decide that measures less radical than remanding in custody are to be applied to the person charged. It may be decided, inter alia, that the person charged (the juvenile) is to stay in an institution for children and young persons.

327. The Social Assistance Act lays down detailed rules for juveniles placed in closed wards instead of remand prisons. A closed ward is a ward whose outer doors and windows are permanently locked. In addition, rules have been laid down by Order on the access for juveniles to visits, correspondence, telephone conversations and other kinds of communication. Young persons who have attained the age of 15 years may be placed in a closed ward when such placement takes the place of remand custody.

328. Deprivation of liberty other than under the criminal procedure rules is also protected under the Constitution. Under section 71 (6) of the Constitution, the legality of deprivation of liberty not executed by order of a judicial authority shall, at the request of the person so deprived of his liberty, be brought before the ordinary courts of justice for decision. Rules governing this procedure have been generally provided by Part 43 a of the Administration of Justice Act and, in addition, by the other acts providing for deprivation of liberty, such as the Act governing the deprivation of liberty and other coercive measures within psychiatric treatment.

329. In connection with a sentence of imprisonment the starting point is that young persons under the age of 18 years shall not serve a term of imprisonment in prison. The crime committed would have to be very gross or recurring before young persons under the age of 18 years are sentenced to unconditional imprisonment. Most juvenile offenders are either sentenced to other sanctions than imprisonment or they serve a term of imprisonment in an appropriate home or an appropriate institution other than a prison. This means that, on an average, four or five juveniles under the age of 18 years have been imprisoned in Denmark during the last two years (1991 and 1992). If the county jails are included, the average number of young persons staying in the institutions under the Department of Prisons and Probation, taken as a whole, have been 14 to 18 juveniles.

330. If, by way of exception, juveniles are committed to prison, efforts are made to keep them isolated from older inmates. If the juvenile is to be placed in an open prison, Søbysøgaard State Prison is used, where an entirely new ward with accommodation for five juveniles has been established. The juveniles can thus stay in their own ward without any communication with older inmates.

331. The juveniles are not prevented from associating with older inmates, e.g. in the schools of the institution or in connection with various leisure-time activities, but the staff must, to the widest extent possible, protect the juveniles against any negative influence from older inmates. Juveniles under the age of 18 years who, on account of their danger, risk

of escape or similar risks have to serve their sentence in a closed prison, are transferred to Ringe State Prison which receives juveniles up to the age of 23 years and women prisoners.

332. Juveniles under the age of 18 years who are kept in county jails either under arrest, as remand prisoners or in order to serve quite short sentences share cells exclusively with other juveniles under the age of 18 years and are otherwise only permitted to associate with old inmates if it is found to be in the best interests of the young person concerned and, upon concrete assessment, this is not deemed to expose the young person concerned to any bad influence. The isolation of the young inmates from the older inmates has, however, caused certain problems for the young persons. As mentioned above, a comparatively small number of young persons are deprived of their liberty by being placed in the institutions of the Department of Prisons and Probation and this has resulted in decreasing possibilities for the young persons to associate with other inmates. Furthermore, it seems to be a disadvantage for young inmates that they are often placed far away from their homes; it partly affects their possibilities of having visits, and partly makes the release process difficult.

333. It has turned out that, so far, the ward at Søbysøgaard State Prison has had a clear predominance of juveniles convicted of violence and crime involving personal danger. The maximum penalty has been six years. It is inadvisable that quite young persons sentenced to rather a short term of imprisonment for less serious crimes are placed in surroundings where the majority of the inmates are under considerably heavier charges and convicted of far more serious crimes. In the light of this, it has been decided that, in future, juveniles serving short sentences are to be placed in county jails as this type of imprisonment must be deemed to be less harmful to the young person than imprisonment together with juveniles who are under heavier charges. This will make it possible to place juveniles in a county jail close to their homes, thus offering better possibilities of having visits from their families and friends.

3. The sentencing of juveniles, in particular the prohibition of capital punishment and life imprisonment (art. 37 (a))

334. As regards the prohibition against capital punishment and life imprisonment, reference is made to the reply above under chapter V H. Reference is otherwise made to what has been stated above in respect of deprivation of the liberty of juveniles.

4. Physical and psychological recovery and social reintegration (art. 39)

335. The Danish Social Security and Health System has been described earlier (see chapters VI and VII).

C. Children in situations of exploitation, including physical recovery and social reintegration (art. 39)

1. Economic exploitation, including child labour (art. 32)

336. The Working Environment Act lays down a number of rules and restrictions in respect of child labour. Under the Act, the age limit for working is generally 15 years; however, the age limit is higher for employment the nature of which may be hazardous to the safety, health and development of a young person.

337. The rules on hazardous work carried out by young persons contain a number of prohibitions against employing young persons under the age of 18 years in work involving a specific risk. For example, young persons under the age of 18 years may not be engaged in work with technical aids, plants or working processes which may be hazardous to them. Nor may young persons under the age of 18 years work with or in any other way be exposed to the influence of a number of dangerous substances and materials. There is, furthermore, a prohibition against - or restrictions on - the engagement of young persons under the age of 18 years in work where the physical strains imply a risk of suffering or injuries of the motor system, in work with risks of falls or subsidence, in work which may involve a risk of violence, in work with inflammable gases and work which may involve a risk of suffocation or explosion. Further, the use of respiratory protective equipment for young persons under the age of 18 years is limited to a period of four hours.

338. Children between the ages of 10 and 15 years may, to a certain extent, perform light paid work, for example berry-picking, work in certain specialist shops, light cleaning, work as messengers or paper rounds. The rules to this effect have been laid down with due account being had to the age, development and state of health of the children and to their schooling or other training or education. Finally, children under the age of 15 years may upon permission from the police appear commercially in public performances or in connection with the shooting of films.

339. Children's working hours may in general not exceed the usual working hours for adults employed within the same trade. The daily hours of work may never exceed 10 hours. The working hours must be arranged in such a manner that the young person is given a total period of rest of a minimum of 12 hours for every 24 hours, and the period of rest must, in general, comprise the hours between 8 p.m. and 6 a.m. In special trades, such as places of entertainment, restaurants and hotels and the distribution of papers and magazines, there are certain exceptions.

340. If young persons under the age of 18 years are employed in contravention of the Working Environment Act, not only the person who employs the young person but also the person having custody will be liable to punishment if the work is performed with their knowledge.

341. The Danish Labour Inspection Service prepared a report in 1990 on reported industrial injuries and work-related suffering during the period 1984-1988 for young persons between the ages of 15 and 25 years. Despite the protection provided by the Working Environment Act, almost 70,000 industrial

accidents were reported during the period. With about 550,000 young persons employed, this means an average annual number of industrial accidents of 25 per 1,000 employed. In relation to all age groups taken as a whole, young persons between the ages of 15 and 25 years account for 25 per cent more accidents reported per 1,000 employed.

342. During the same period, almost 10,000 work-related illnesses were reported. Despite the short working careers of young persons, those aged between 15 and 25 years account for almost as many work-related illnesses as their older colleagues. Statistics show that young persons in new job functions are substantially more exposed to industrial accidents than their older colleagues in the same situation. This trend is enhanced the younger the person is. If the injuries and diseases are considered as a whole, it can be noted that each year young persons' work results in the death of 12 young persons, the loss of part of the body in the case of 140 young persons, symptoms of brain damage in the case of 160 young persons, fractures in the case of 1,100 young persons, reports of work-related illnesses regarding 2,000 young persons and industrial accidents in the case of 13,000 young persons.

343. At the moment, the Danish Government is working with several initiatives concerning child labour. In September 1992, the Ministry of Labour set up a committee consisting of representatives of the social partners, the Ministry of Labour, the Ministry of Justice, the Ministry for Social Affairs, the Ministry of Education, the Ministry of Research, and the Ministry for Fiscal Affairs. It is the task of the committee to clarify children's and young persons' employment in a general, nationwide report. The committee is to make a survey and provide information on children's and young persons' employment comprising the age group 10-17 years, divided into the age groups 10-12 years, 13-14 years and 15-17 years and, in this connection, provide information on the nature of the work and the number of hours worked by children and young persons within the three age categories. In addition, information is to be provided on working environment problems, socio-economic costs involved in children's and young persons' employment and on the industrial accidents inflicted on children and young persons. In addition, the committee is to find out what consequences children's and young persons' employment has for school attendance, leisure-time activities and choice of education and occupation, and to what extent children's and young persons' employment reflects the financial situation of their families. In addition, the committee is to study children's and young persons' conditions of employment, including wages and the payment of sick and holiday pay. The committee is expected to finish its work by September 1993.

344. In addition, it should be observed that during the Danish EC Presidency, the Council of Ministers of Employment and Social Affairs discussed a proposal for a Directive on the Protection of Young Persons at work. The proposed Directive covers all persons under the age of 18 years who carry out work for one or more employers and includes provisions on, among other things, working hours, safety and health and whether, in certain cases, young persons' working situation is to be subjected to a special assessment with a view to protecting their health and safety. Likewise, the proposal contains a provision on the introduction of a general, lower age limit. The proposal has not yet been adopted.

2. Drug abuse (art. 33)

345. Any kind of possession of narcotic drugs is a criminal offence in Denmark. The aim of the Danish narcotic drugs policy is to restrict the demand for and the access to narcotic drugs.

346. The determination of the substances considered to be euphoriants and the extent to which they may be lawfully used in the country is governed by the legislation on euphoriants, which falls within the competence of the Ministry of Health.

347. Penal measures are mainly directed towards the illicit importation and sale of narcotic drugs, but seizure and confiscation of financial proceeds from drug crimes are also key elements of the penal system.

348. Preventive measures against drug abuse are mainly in the form of information activities. In the schools, information on narcotic drugs and alcohol forms part of the general health education. At the local level, there are special alcohol and drug consultants. Also, the police are involved in providing information on drugs and abuse of drugs as part of the Crime Prevention Board (Det Kriminalpraeventive Råd). Thus, the Crime Prevention Board has prepared information documentation, videos, etc. to be used in connection with the instruction given in schools. In addition, to this, it should be mentioned that the Minister of Social Affairs has set up a Prevention Policy Board (Forebyggelsespolitisk Råd) with the task of monitoring and assessing public preventive activities and submitting proposals for preventive initiatives in the field of narcotic drugs, inter alia.

3. Sexual exploitation and sexual abuse (art. 34)

349. The Criminal Code lays down a number of rules the aim of which is to protect children against sexual exploitation and sexual abuse.

350. Under section 222 of the Criminal Code it is a criminal offence to have sexual intercourse with a child under the age of 15 years. If the child is under the age of 12 years or if the offender has obtained intercourse by using force or threats, the penalty may be increased under this provision. The provision is correspondingly applicable as regards other sexual offences than intercourse and as regards sexual offences against persons of the same sex.

351. As regards children who are entrusted to adults, a special protection provision applies. Under section 223 of the Criminal Code it is thus a criminal offence to have sexual intercourse with a person under the age of 18 years who is the adopted child or stepchild of the person concerned or entrusted to him for the purpose of education or care. If such an offence is committed by a teacher against a pupil, it is possible to deprive the teacher of his right to teach pupils under the age of 18 years. This provision also opens up the possibility of imposing a penalty upon any person who - by grossly abusing a superior position due to age and experience - seduces a person under the age of 18 years to intercourse. This part of the provision no longer applies in practice, however. If it is a person's own child, the offence will be punishable as incest under the provisions of section 210 of the Criminal Code.

352. In Denmark, prostitution is not punishable in itself. However, under the provisions of section 199 of the Criminal Code the police may order a person who earns his or her living by means of prostitution to find a lawful occupation, and infringement of such an order is punishable. This provision, however, can hardly be considered to be an expedient means to combat prostitution and, in practice, it is only used in very few cases. However, acting as a principal in relation to prostitution - i.e. acting as a procurer - is punishable under section 228 of the Criminal Code. Under this provision, any person who for the purpose of profit assists a person to engage in prostitution - including the keeping of a brothel - will be liable to punishment. Denmark has ratified the International Convention of 30 September 1921 for the Suppression of the Traffic in Women and Children, and it is likewise punishable under section 228 of the Criminal Code to assist a person to leave the country in order that the latter may engage in sexual immorality as a profession abroad where that person is under the age of 21 years or is not aware of the purpose. Besides, it should be observed that any person who acts as intermediary, e.g. by letting hotel rooms or as a pimp, is liable to punishment under section 229 of the Criminal Code.

353. In Denmark, the sale of pornographic material is not punishable in itself. As a special protection of children and young persons the prohibition under section 234 of the Criminal Code on selling obscene pictures or objects to a person under the age of 16 years is, however, preserved.

354. The sale of child pornography is punishable under section 235 of the Criminal Code, according to which any person who commercially sells or otherwise disseminates or who, with such intention, produces or procures obscene photographs, films or the like of children may be liable to punishment. The intent of this provision is to prevent children from being used in any shooting of films, which is in itself a criminal act.

4. Other forms of exploitation (art. 36)

355. Reference is made to chapters VI I and IX C.

5. Sale, trafficking and abduction (art. 35)

356. Reference is made to chapter VI A and H.

D. Children belonging to a minority or an indigenous group (art. 30)

357. The requirement of article 30 concerns the rights of children belonging to a minority or an indigenous group. These rights are first and foremost secured by the provisions of the Danish Constitution on the freedom of expression, freedom of peaceful assembly, freedom of association and freedom of religion which apply to Danish nationals as well as foreigners living in Denmark. In this connection it should be mentioned that the Constitution extends to all parts of the Danish Kingdom, i.e. also the Faroe Islands and Greenland.

358. Minority groups are further protected by the provision of section 70 of the Constitution, according to which no person must be deprived of full enjoyment of civil and political rights by reason of his religious belief or descent, and by the Act on the prohibition of discrimination on account of race, etc. (see chapter IV A above).

359. Reference is further made to chapter IX A above concerning refugee children. Finally, it should be stated that non-Danish-speaking pupils are entitled to receive education in their mother tongue and may likewise receive education in Danish specially tailored to suit their needs.